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COMMITTEE ON THE RIGHTS OF THE CHILD

Report on the seventh session

(Geneva, 26 September-14 October 1994)

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I. CONCLUSIONS AND RECOMMENDATIONS ADOPTED BY THE COMMITTEE ON THE RIGHTS OF THE CHILD

1. Children in armed conflicts

The Committee on the Rights of the Child,

Recalling its general discussion on the topic "Children in armed conflicts" and the recommendations adopted thereon,

Taking into consideration the attention paid by the General Assembly and the Commission on Human Rights to this question,

Recalling the decision of the Commission on Human Rights to establish a working group to elaborate a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, and to use as a basis for its discussions the preliminary draft submitted by the Committee on the Rights of the Child,

Recalling also the support expressed by the World Conference on Human Rights for the Committee's recommendation that a major study be initiated on the means of improving the protection of children in armed conflicts,

Taking into consideration General Assembly resolution 48/157 of 20 December 1993 in which the Assembly requested the Secretary-General to appoint an expert to undertake a comprehensive study of this question,

1. Welcomes the appointment of Mrs. Graça Machel as the expert entrusted with the task of carrying out this study;

2. Also welcomes the opportunity of meeting Mrs. Machel and exchange views with her on the main areas to be covered by the study;

3. Decides to cooperate closely with Mrs. Machel in the preparation of this major study.

2. Informal regional meetings

The Committee on the Rights of the Child,

Reaffirming the decisive role regional meetings can play in promoting greater awareness of the Convention on the Rights of the Child and of the work of the Committee, as well as providing the members of the Committee with a deeper knowledge and better understanding of the realities of a given region,

Convinced of the relevance of these meetings for enhancing international cooperation and joint efforts between United Nations bodies, the specialized agencies and other competent bodies active in the field of the rights of the child,

Reiterating the importance of the participation in such meetings of non-governmental organizations active in the field of the rights of the child,

Recalling that the implementation of the Convention is a dynamic and continuous process, designed to ensure the realization of the fundamental rights of children and the progressive improvement of their situation,

Recognizing that informal regional meetings are of the greatest relevance to achieve universal ratification of the Convention on the Rights of the Child, as well as its effective implementation, as recommended by the World Conference on Human Rights,

Welcoming the richness and diversity of the experiences gained in its visit to different African countries, in the course of its third regional informal meeting,

1. Reaffirms the decisive role of informal regional meetings in contributing to a wider promotion of the rights of the child;

2. Welcomes the possibility of continuing to hold informal regional meetings, as well as of undertaking future trips by some of its members to particular countries, with a view to encouraging universal ratification of the Convention, contributing to its effective implementation and, whenever appropriate, ensuring a follow-up to the consideration of a State party report by the Committee.

3. Advisory services and technical assistance

The Committee on the Rights of the Child,

Recognizing the decisive role of the programme of advisory services and technical assistance of the Centre for Human Rights in the promotion of human rights in general and children's rights in particular,

Recognizing also that, as stressed by the World Conference on Human Rights, such assistance should be made available on specific human rights issues, as in the case of the preparation of reports under human rights treaties, for the implementation of coherent and comprehensive plans of action for the promotion and protection of human rights or with a view to strengthening an independent administration of justice, in the light of applicable human rights standards adopted by the United Nations,

Recalling the importance it has systematically attached, in the light of article 45 of the Convention on the Rights of the Child, to the areas of technical advice or assistance designed to promote a growing awareness and a more effective implementation of this international instrument,

Reaffirming the importance of identifying specific areas where technical advice or assistance programmes would seem appropriate, following the consideration of a State party report, as well as of ensuring a system of periodic evaluation and follow-up to such programmes,

1. Reaffirms its willingness to continue to cooperate with the Centre for Human Rights, other relevant bodies within the United Nations system as well as other competent bodies, including non-governmental organizations;

2. Welcomes the invitation addressed by the Commission on Human Rights to human rights bodies, including the Committee on the Rights of the Child, to indicate in their recommendations proposals for specific projects to be realized under the programme of technical assistance and advisory services of the Centre for Human Rights, such as the organization of seminars and training courses and the drafting of basic legal texts in conformity with international conventions on human rights;

3. Decides to continue to identify the main areas where technical advice or assistance would seem appropriate to foster the implementation of the Convention and to indicate them in the preliminary or concluding observations adopted following the consideration of States parties reports;

4. Also decides to bring the recommendations it may adopt in this regard to the consideration of the concerned bodies, including United Nations organs, the specialized agencies and other competent bodies, as well as to the programme of technical assistance and advisory services of the Centre for Human Rights.

II. ORGANIZATIONAL AND OTHER MATTERS

A. States parties to the Convention

1. As at 14 October 1994,the closing date of the seventh session of the Committee on the Rights of the Child, there were 167 States parties to the Convention on the Rights of the Child. The Convention was adopted by the General Assembly in resolution 44/25 of 20 November 1989 and opened for signature and ratification or accession in New York on 26 January 1990. It entered into force on 2 September 1990, in accordance with the provisions of its article 49. A list of States that have signed, ratified or acceded to the Convention is contained in annex I to the present report.

2. The texts of the declarations, reservations or objections made by States parties with respect to the Convention are reproduced in document CRC/C/2/Rev.3.

B. Opening and duration of the session

3. The Committee on the Rights of the Child held its seventh session at the United Nations Office at Geneva from 26 September to 14 October 1994. The Committee held 26 meetings (157th to 183rd). An account of the Committee's deliberations at its seventh session is contained in the relevant summary records (CRC/C/SR.157-169, 171-173, 175-179 and 183).

C. Membership and attendance

4. All members attended the seventh session. A list of the members of the Committee, together with an indication of the duration of their terms of office, appears in annex II to the present report.

5. The following United Nations bodies were also represented at the session: United Nations Children's Fund, Office of the United Nations High Commissioner for Refugees, United Nations Division for the Advancement of Women.

6. The following specialized agencies were also represented at the session: Food and Agriculture Organization of the United Nations, International Labour Organisation, United Nations Educational, Scientific and Cultural Organization, World Health Organization.

7. The Hague Conference on Private International Law was also represented at the session.

8. Representatives of the following non-governmental organizations were also in attendance at the session:

Category I

International Movement ATD Fourth World.

Category II

Anti-Slavery International, Associated Country Women of the World, Defence for Children International, Friends World Committee for Consultation (Quakers), International Abolitionist Federation, International Association of Penal Law, International Catholic Child Bureau, International Federation of Women in Legal Careers, International Federation Terre des Hommes, International Service for Human Rights, Radda Barnen International.

Roster

Association for Childhood Education International.

Others

Children's Rights Development Unit (UK), Epoch Worldwide, Foundation for the Protection of Children Damaged from the State of Emergency, London Black Women's Health Action, London Health Action Project, National Children's Bureau (UK), NGO Group for the Convention on the Rights of the Child, One World Productions, Women Living Under Muslim Law.

D. Agenda

9. At its 157th meeting, on 26 September 1994, the Committee adopted the provisional agenda (CRC/C/31). The agenda of the seventh session, as adopted, was as follows:

1. Adoption of the agenda.

2. Organizational and other matters.

3. Submission of reports by States parties in accordance with article 44 of the Convention.

4. Consideration of reports of States parties.

5. Review of developments relevant to the work of the Committee.

6. System of documentation and information.

7. General discussion on "The role of the family in the promotion of the rights of the child".

8. Cooperation with other United Nations bodies, specialized agencies and other competent bodies.

9. Methods of work of the Committee.

10. Future meetings of the Committee.

11. Other matters.

E. Pre-sessional working group

10. In accordance with the decision of the Committee at its first session, a pre-sessional working group met in Geneva from 25 to 29 April 1994. All members except Mrs. Belembaogo, Mr. Mombeshora and Mrs. Sardenberg participated in the working group.

11. In the course of its meetings, the pre-sessional working group examined lists of issues put before it by members of the Committee relating to the initial reports of the following five countries: Denmark, Madagascar, Paraguay, Philippines and Spain.

12. The list of issues thus drawn up were transmitted directly to the Permanent Missions of the States concerned with a note which stated, inter alia, the following:

> "The Committee wishes to receive, if possible before 31 July 1994, written answers to the issues raised in the list. The list is not intended to be exhaustive and it should not be interpreted as limiting or in any other way prejudging the type and range of questions which members of the Committee might wish to pose. However, the working group believes that the constructive dialogue which the Committee wishes to have with the representatives of the reporting States can be facilitated by making the list and the written answers to it available in advance of the Committee's session."

13. On the basis of a decision taken at the pre-sessional working group of the fifth session of the Committee, the working group established informal contacts with the Permanent Missions of States whose reports were scheduled for consideration at the forthcoming session, in order to inform them of the procedure followed by the Committee for the consideration of reports and clarify the purposes of the dialogue with representatives of the States parties.

F. Organization of work

14. The Committee considered the organization of work at its 157th meeting, on 26 September 1994. The Committee had before it the draft programme of work

for the seventh session, prepared by the Secretary-General in consultation with the Chairperson of the Committee, and the report of the Committee on its sixth session (CRC/C/29).

G. Future regular meetings

15. The Committee noted that its eighth session would take place from 9 to 27 January 1995 and that its pre-sessional working group would meet from 30 January to 3 February 1995.

H. Future day of general discussion

16. The Committee decided to continue to devote a day of its sessions to the consideration of a specific theme.

17. The Committee recalled its previous decision to be actively involved in, and contribute to, the preparatory process for the Fourth World Conference on Women: Action for Equality, Development and Peace, to be held in Beijing, in September 1995. In this regard, it decided to devote its future general discussion to the topic "The girl child".

18. Furthermore, and in order to make the conclusions of its thematic discussion available in time to be considered and reflected in the platform which will be adopted by the World Conference, the Committee decided to hold the general discussion during its eighth session on 23 January 1995.

19. It further decided to reaffirm its willingness to be represented at the April 1995 session of the Commission on the Status of Women, as well as at the Conference itself.

20. Moreover, the Committee recognized that it would be extremely important to devote a future general discussion on the question of the administration of juvenile justice. In fact, the experience it had gained in examining State party reports, as well as its future participation in the Meeting of Experts on the Application of International Standards concerning the Human Rights of Detained Juveniles, to be held in Vienna from 31 October to 4 November, would pave the way for an enlightening debate on such a crucial reality. The exchange of views on this important theme would raise a wider awareness of the situation of children involved with the system of administration of juvenile justice, while calling for increased efforts in order to ensure the effective implementation of existing international standards in this field. The Committee decided that the day of discussion on the administration of juvenile justice would take place on Monday, 9 October 1995.

I. Expression of appreciation to Mr. Enayat Houshmand

21. The Committee took note of the retirement of Mr. Enayat Houshmand as acting director of the Centre for Human Rights and wished to place on record its deep appreciation for the assistance and advice that he had provided to the Committee since its inception.

III. REPORTS BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION

A. Submission of reports

22. In connection with this item, the Committee had before it the following documents: notes by the Secretary-General on initial reports by States parties due in 1992 (CRC/C/3), 1993 (CRC/C/8/Rev.3), 1994 (CRC/C/11/Rev.3) and 1995 (CRC/C/28); a note by the Secretary-General on the States parties to the Convention and the status of submission of reports (CRC/C/32); a note by the Secretary-General on the follow-up to the consideration of initial reports by States parties to the Convention (CRC/C/27/Rev.1). The Committee was informed that, in addition to the six reports that were scheduled for consideration by the Committee at its present session (see paras. 23-155 below) and those which had been received prior to the Committee's sixth session (see CRC/C/29, para. 19), the Secretary-General had received the initial reports of Belgium (CRC/C/11/Add.4), Canada (CRC/C/11/Add.3), Germany (CRC/C/11/Add.5), Italy (CRC/C/8/Add.18), Maldives (CRC/C/8/Add.15), Niger (CRC/C/3/Add.29), Portugal (CRC/C/3/Add.30), Senegal (CRC/C/3/Add.31), Tunisia (CRC/C/11/Add.2), the United Republic of Tanzania (CRC/C/8/Add.14) and Yugoslavia (CRC/C/ /Add.16), as well as the revised version of the initial report of Ukraine (CRC/C/8/Add.10/Rev.1).

B. Consideration of reports

23. At its sixth session, the Committee examined initial reports submitted by six States parties under article 44 of the Convention. It devoted 16 of its 26 meetings to the consideration of reports (CRC/C/SR.158-165, 167-168, 171-173 and 177-179).

24. The following reports, listed in the order in which they had been received by the Secretary-General, were before the Committee at its seventh session: Indonesia (CRC/C/3/Add.10 and Add.26), Argentina (CRC/C/8/Add.2), Honduras (CRC/C/3/Add.17), Madagascar (CRC/C/8/Add.5), Spain (CRC/C/8/Add.6) and Paraguay (CRC/C/3/Add.22).

25. In accordance with rule 68 of the provisional rules of procedure of the Committee, representatives of all the reporting States were invited to attend the meetings of the Committee at which their reports were examined. All the States parties whose reports were considered by the Committee sent representatives to participate in the examination of their respective reports.

26. The following sections, arranged on a country-by-country basis according to the sequence followed by the Committee in its consideration of the report, contain concluding or preliminary observations reflecting the main points of discussion and indicating, where necessary, issues that would require a specific follow-up.

27. More detailed information is contained in the reports submitted by the States parties and in the summary records of the relevant meetings of the Committee.

1. Concluding observations: Honduras

28. The Committee considered the initial report of Honduras (CRC/C/3/Add.17) at its 158th to 160th meetings (CRC/C/SR.158-160), held on 27 and 28 September 1994, and adopted* the following concluding observations:

A. Introduction

29. The Committee expresses its appreciation to the State party for the report and the detailed written responses submitted by the Government of Honduras to the Committee's list of issues. The Committee welcomes the fact that these replies were self-critical and offered suggestions as to future priorities for action to be taken to improve the situation of children in Honduras. The Committee notes with particular satisfaction that the written replies were prepared in consultation with various entities, including non-governmental organizations, involved in implementing the rights of the child in the State party.

B. Positive factors

30. The Committee welcomes the commitment within the country to undertake measures to improve the implementation of the rights provided for under the Convention. It takes note of the fact that the Government recognizes the problems facing the country and that major efforts are required to address them. In this regard, note is taken of the legislative reform envisaged, in particular, the draft Minor's Code and the proposal to make military service voluntary as well as ensuring that it does not take place before the age of 18. The revision of policy, including the greater priority being accorded to meeting the basic social needs of the poorer sections of the population, is also welcomed.

31. The Committee notes with satisfaction the positive support and encouragement the Government is giving to developing cooperation with the National Commissioner for the Protection of Human Rights, intergovernmental organizations and non-governmental organizations in determining measures and priorities to improve the protection and promotion of the rights of the child in Honduras.

32. The Committee notes with interest the signing of the "Pact for children", an initiative which aims at strengthening the municipalities' involvement in the application and monitoring of the rights guaranteed under the Convention. The Committee acknowledges the State party's support to initiatives at the regional level, including through the Central American Parliament's Commission on the Child, to address issues relating to children such as trafficking in children, addiction and child labour.

33. The Committee takes note of the initiative to collect information on the organizations working for and with children throughout the country. It also takes note of the initiative to map out the poorest areas of the country with a view to prioritizing the provision of basic services to the areas most in need.

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* At the 183rd meeting, held on 14 October 1994.

C. Factors and difficulties impeding the implementation of the Convention

34. The Committee notes that the measures taken by the Government of Honduras to repay the external debt and to implement the structural adjustment programme have put a strain on the country's resources. The deteriorating economic situation in Honduras is causing a worsening in the living and social conditions of Hondurans, so much so that about 60 per cent of the population live in extreme poverty. It also recognizes that drought, floods and other ecological problems have had serious consequences for Honduran families, dependent on agriculture as a means of livelihood, to maintain an adequate standard of living and thus support themselves and their children.

D. Principal subjects of concern

35. As almost 60 per cent of the Honduran population is under the age of 18, the country's worsening economic situation has had serious consequences for the children in Honduras. The Committee notes that the social inequalities existing in the country, including through the unequal distribution of income and land, have contributed to the considerable problems facing children in Honduras.

36. The Committee is concerned that the resources available for the implementation of the rights recognized in the Convention are insufficient to ensure adequate progress in improving the situation of children in Honduras.

37. The absence of a comprehensive strategy designed to promote awareness and understanding of the rights of the child among all adults and children in Honduras is noted.

38. The Committee is concerned that traditional attitudes prevailing in the country may not be conducive to the realization of the general principles of the Convention, including, in particular, article 2 relating to non-discrimination, including on the grounds of gender and ethnic origin, and article 12 relating to the respect for the views of the child.

39. Despite the measures taken by the Government of Honduras to improve and facilitate the registration of children, the Committee remains worried that difficulties persist in providing children in Honduras with the necessary registration certificates and that the absence of such basic documentation detailing the child's age and family affiliations may hamper the implementation of a child's other rights, including his/her access to public health services and to the necessary protection that a child should be accorded under the system of the administration of juvenile justice.

40. The Committee is concerned about the apparent inadequacy of the measures taken by the State party to ensure that its adoption procedures are conducted in accordance with the relevant provisions and principles of the Convention, in particular articles 3, 12 and 21.

41. The number of teenage pregnancies in Honduras is relatively high and the Committee, therefore, has serious doubts regarding the adequacy of family and sex education, particularly with regard to the general level of understanding and knowledge about family planning methods and the availability of family

planning services. The Committee is also concerned that certain attitudes remain in society which hamper efforts to eradicate sexual abuse and exploitation.

42. The Committee notes that the lack of provision of and access to health services and facilities, and clean water and sanitation is an extremely serious problem in rural areas. The Committee is also concerned at the prevalence of the malnutrition of children from the poorer and more disadvantaged sectors of the population, especially as regards the adverse effects of the insufficiency of nutritious food on the child's right to survival and a healthy development.

43. As recognized by the State party, the Committee is concerned that measures are lacking to implement the provisions of article 23 of the Convention relating to disabled children.

44. Notwithstanding the initiative taken by the State party to provide bilingual education to children in schools, the Committee is deeply concerned at the insufficiency of measures taken by the State party to implement the provisions of article 28 of the Convention concerning the right of the child to education, especially in view of the low level of enrolment and retention of children in schools and the lack of vocational training in schools as well as the inadequacy of teacher training programmes and teaching material.

45. The Committee is concerned about the system of the administration of juvenile justice as it works in practice in Honduras. In this regard it notes with particular concern that in the majority of departments in the State party juvenile judges have not been appointed and that there is a lack of training programmes for juvenile judges. The Committee is also concerned at the proposals which exist to lower the age of criminal responsibility from 18 to 16.

46. The Committee expresses its deep concern at information it has received regarding the exploitation and abuse of girls working in the "maquilas" (assembly factories, mainly forming part of the textile industry).

E. Recommendations and suggestions

47. The Convention must be seen as the framework for action to improve the condition of children. In this connection, the Committee wishes to emphasize the importance of the application of the Convention's general principles, as reflected in its articles 2, 3, 6 and 12, in guiding the action to be taken to implement the rights of the child. In particular, the Committee wishes to draw the attention of the State party to the significance of the provisions of article 3 of the Convention concerning the best interests of the child, inter alia in directing future discussions and decisions about the allocation and provision of resources for the implementation of the rights of the child.

48. The Committee recommends that the necessary mechanisms be established at the national level to ensure the ongoing monitoring of the implementation of the rights guaranteed under the Convention. In this connection, the Committee suggests that the Government might wish to consider the possibility of according to the National Commission on the Rights of the Child the appropriate official status, including the possibility of constitutional

status, as a means to enhance the effective functioning of this Commission. The Committee wishes to emphasize the importance of the participation and representation of various entities, including non-governmental organizations working with and for children, in any designated coordination and monitoring mechanism for the rights of the child. It is suggested that an annual report on the progress made in the implementation of the rights of the child should be prepared by the national monitoring mechanism and presented to Parliament. The Committee also recommends that systems for the collection of statistics and other data which would provide indications and trends as to the realization of children's rights should be further strengthened and developed.

49. The Committee recommends that the Government consider the possibility of organizing a meeting to discuss the matter of the availability of resources for the implementation of the rights recognized in the Convention, including within the framework of international cooperation. Participants in such a meeting could include members of the Committee, the donor community, the World Bank, IMF, UNICEF, other intergovernmental organizations and non-governmental organizations.

50. The Committee is of the opinion that greater efforts are required to make the principles and provisions of the Convention widely known to and understood by adults and children alike, including article 12 of the Convention relating to the right of the child to express his or her views and have them taken into account. The Committee would like to suggest that a comprehensive strategy be worked out and put into operation as quickly as possible to realize this objective. It is important that such information should be prepared in the languages of children belonging to minorities or indigenous groups and should reach the people living in the remoter rural areas. Training material and programmes about the rights of the child should also be prepared and provided to personnel and professionals working with children, including judges, teachers, those working in institutions for children and law enforcement officials.

51. The Committee considers that greater efforts are required to sensitize society to the needs and situation of the girl child, to children living in rural areas and to socially disadvantaged children living in urban areas, in the light of article 2 of the Convention.

52. The Committee is of the view that further measures and efforts are urgently required to facilitate the registration of children so as to ensure that all children in Honduras possess the necessary registration certificates/documentation.

53. The Committee recommends that the State party ensure that its adoption procedures are in conformity with the provisions of the Convention, especially its articles 3, 12 and 21, and other relevant international instruments. The Committee recommends that the State party consider signing and ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

54. The Committee urges the State party to further strengthen family education programmes which should provide information on parental responsibilities in the upbringing of a child, including the importance of avoiding the physical punishment of children. The Committee further

recommends that greater attention and resources be extended to the provision of family planning information and services. The Committee encourages the State party to further support measures which promote the provision of child care services and centres for working mothers.

55. While the Committee recognizes that the State party has introduced and developed primary health care and achieved major progress in immunization coverage, it notes that in some areas of the country, particularly in rural areas, a serious problem of access to the public health system, including primary health, persists. The Committee recommends that measures be taken urgently to extend and strengthen the primary health care system and to improve the quality of health care, including through incentives to attract higher numbers of volunteers into the system at the community level and through the provision of essential medicines and medical equipment at the various levels of health care in the country.

56. The Committee takes note of the efforts made by the State party to provide family and social assistance programmes as well as to implement supplementary food programmes with the aid of international cooperation, including from the World Food Programme. Notwithstanding these efforts, the Committee recommends that major attention and resources must be focused on further measures to address the problems of extreme poverty affecting the majority of the population which have adversely affected the rights of the child to, inter alia, adequate nutrition, clothing and housing.

57. The Committee is of the opinion that a thorough review of the education system is urgently required. It recommends that measures be taken to improve the quality of education. It is suggested that more vocational training should be provided in schools and that further measures be introduced to train more teachers. It is also suggested that human rights education be incorporated into the school curriculum.

58. The Committee recommends that much greater attention be accorded to improving children's access to the education system and reducing the high incidence of school drop-out. In this regard, the Committee takes note of the suggestion of the Government which has not yet been implemented to organize the school year around the agricultural seasons with a view to organizing school vacations at sowing and harvesting periods. Equally, the Committee would like to suggest that the State party give consideration to the provision of meals and to complement the provision of health care through the schools.

59. As regards legislative reform in the area of the administration of juvenile justice, the Committee wishes to emphasize that any new legislative measures to be introduced in the State party must be guided by the principles and provisions of the Convention on the Rights of the Child and other relevant international instruments, in particular, "The Beijing Rules", The Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. In this regard, the Committee urges the Government to ensure that the age of criminal responsibility is not reduced. The Committee also wishes to recommend, in particular, that the system of the administration of juvenile justice must be adequately supported to function appropriately. This requires, inter alia, that juvenile judges be trained and function in all areas or "departments" of Honduras. Equally, the Committee recommends that the systems for the supervision of and visits to places of

juvenile detention must be adequately provided for. It also recommends that the State party further strengthen measures to reduce the period of custody of juveniles to ensure that a juvenile's deprivation of liberty is used only as a measure of last resort.

60. To prevent further abuses being committed against children, the Committee strongly recommends that allegations of abuses against children and the ill-treatment of children be promptly investigated through an adequately established system and that persons committing such abuses do not benefit from impunity.

61. The Committee recommends that the Government undertake the necessary measures to introduce legislation for the protection of the rights of refugees, in line with the relevant international standards, including the Convention relating to the Status of Refugees and its Protocol. Technical assistance from UNHCR may be requested in this regard.

62. The Committee is of the view that there is an urgent need for the Government to consider reviewing its legislative and other measures relating to the minimum age for child labour as to its conformity with ILO Convention No. 138. In this regard, the Committee recommends that appropriate measures be taken to protect children from economic exploitation and to provide for appropriate sanctions. The Committee recommends, in particular, that action be taken to ensure that the girls working in the "maquilas" are not exploited and abused. Moreover, the Committee suggests that the State party consider the possibility of adopting adequate measures to implement ILO Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries.

63. Finally, the Committee would like to propose that consideration be given to publicizing and widely disseminating within the country the initial report and additional information submitted by the State party to the Committee as well as the summary records and concluding observations emerging from the discussion of the report of Honduras in the Committee.

2. Concluding observations: Indonesia

64. The Committee began consideration of the initial report of Indonesia (CRC/C/3/Add.10) at its 79th to 81st meetings (CRC/C/SR.79-81), held on 22 and 23 September 1993. In view of the fact that there was not sufficient time during the session to fully clarify a number of questions, the Committee decided not to conclude the consideration of that report. The State party was requested to provide additional information, before 31 December 1993, in response to concerns spelled out in the Committee's preliminary observations (CRC/C/15/Add.7, paras. 7-18), for consideration by the Committee at its seventh session. After considering the additional information provided by the Government of Indonesia (CRC/C/3/Add.26) at its 161st and 162nd meetings held on 28 and 29 September 1994 (CRC/C/SR.161 and 162), the Committee concluded its consideration of the initial report of Indonesia and adopted* the following concluding observations:

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* Adopted at the 183rd meeting, held on 14 October 1994.

A. Introduction

65. The Committee expresses its appreciation of the Government of Indonesia's cooperation in providing information additional to its initial report and complying with the Committee's request to resume the consideration of that report at its seventh session. However, the Committee considers that several of the concerns it raised previously with regard to the implementation of the Convention in the State party still remain to be addressed effectively.

B. Positive aspects

66. The Committee notes with satisfaction the importance attached by the State party to the Committee's advice and assistance on measures to be taken to improve the implementation of the rights of the child, and welcomes the State party's commitment to cooperating with the Committee, other United Nations bodies and agencies and non-governmental organizations with a view to reviewing and developing policies and programmes aimed at enhancing the situation of children.

67. The Committee takes note of the willingness expressed by the State party to review its national legislation in the light of its obligations under the Convention. It welcomes, in particular, the integration of the rights of the child into the national development programmes, pursuant to the Basic Guidelines of State Policy of 1993 and its National Human Rights Programme, in conformity with the Vienna Declaration and Programme of Action. The decision to introduce a "Village Program" with a view to promoting child welfare and a greater awareness of the rights of the child at the grass-root level, as well as the organization of seminars and workshops in the field of human rights, are other positive developments.

68. The Committee welcomes the decision of the State party to withdraw the reservation (qualified by the delegation of the State party as a declaration) made, at the time of ratification, with regard to articles 1, 14, 16 and 29 of the Convention. It also notes the statement made by the State party that it will soon inform the Secretary-General that all articles of the Convention are regarded as applicable by the State party.

C. Factors and difficulties impeding the implementation of the Convention

69. The Committee takes note of the difficulties impeding the rapid implementation of the Convention in the State party, particularly the existence of 360 ethnic groups, the dispersal of the population throughout the Indonesian archipelago, as well as the economic problems still facing the State party in general and sectors of the Indonesian population in particular.

D. Principal subjects of concern

70. The status of the reservation, made at the time of ratification, in particular vis-à-vis articles 17, 21 and 22 of the Convention, is not fully clear at present. The Committee is, however, encouraged by the willingness of the State party to envisage withdrawing the reservation with respect to those provisions in the near future.

71. The Committee believes that there is need of a comprehensive review of the domestic legislation to bring it into line with the provisions of the Convention, to ensure that all children subject to the jurisdiction of Indonesia are adequately protected by the rights guaranteed under the Convention, and to provide the basis for specifically targeted strategies as well as for monitoring progress made.

72. The Committee is concerned that national legislation with respect to the age at which a child may marry is not compatible with the non-discrimination provisions of the Convention, as reflected in article 2 of the Convention.

73. The Committee expresses its concern at the apparent low level of awareness among the general public, including children, and personnel working directly with children as to the provisions and principles of the Convention.

74. The Committee is concerned that proper attention has not yet been given to the implementation of the general principles of the Convention, particularly its articles 2, 3 and 12. The Committee reiterates that the implementation of these principles is not to be made dependent on budgetary constraints.

75. The Committee remains concerned at the small proportion of the budget devoted to the social sectors, particularly primary health care and primary education, in contradiction to the provisions of article 4 of the Convention which emphasize that economic, social and cultural rights should be implemented to the maximum extent of available resources. The Committee further notes that international agencies have questioned the present level of resources allocated in the State party to the social sector.

76. The Committee expresses its concern regarding the implementation of articles 14 and 15 of the Convention. It reiterates that limiting official recognition to certain religions may give rise to practices of discrimination. It is also concerned that the authorities seem to give a wide interpretation to limitations for "lawful purposes" of the exercise of the rights to freedom of religion, expression and assembly which may prevent the full enjoyment of such rights.

77. The Committee is particularly worried at the lack of compatibility of the system of administration of juvenile justice with the provisions of the Convention, including articles 37, 39 and 40 thereof, and other relevant United Nations standards in this field, namely "The Beijing Rules", the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

78. The State party has given assurances that violations similar to those which occurred in November 1991, when security forces used excessive violence against children peacefully demonstrating in Dili, would not occur again. The Committee, however, remains seriously disturbed by the continuing pattern of violation of the right to freedom of assembly and the great number of complaints of ill-treatment of children attributed to the police, security or military personnel, in particular in situations of arrest and detention. The Committee is also disturbed by the failure of the authorities to take effective steps to punish those found guilty of such violations and rehabilitate and compensate the victims of such acts.

79. The Committee is worried about the large number of children who have been forced, in order to survive, to live and/or work in the street.

80. The Committee regrets that serious discrepancies or lacunae still exist in national legislation relating to child labour. In particular, it notes that Law No. 1/1951 has never been fully enacted or implemented and that the 1987 ministerial regulation does not provide the necessary protection for working children. It is also concerned about the leniency of the penalties provided for under the law as well as the lack of supervision by the inspectors of the Ministry of Manpower.

E. Suggestions and recommendations

81. The Committee encourages the Government of Indonesia to complete the review of child-related laws so as to ensure their conformity with the provisions of the Convention and, in that regard, draws attention once again to the activities developed by the Programme of Advisory Services and Technical Assistance of the United Nations Centre for Human Rights. Principles relating to the best interests of the child and prohibition of discrimination in relation to children should be incorporated into domestic law, and it should be possible to invoke them before the courts.

82. The Government should take all necessary steps to ensure the respect and effective implementation of the provisions contained in the Convention and accordingly reflected in national legislation, including those relating to child labour. Relevant mechanisms should be set up to monitor the implementation of all child-related laws or regulations at the national and local levels. Cooperation with non-governmental organizations involved in the implementation of the Convention and the monitoring thereof should be strengthened.

83. The Committee recommends that the State party undertake a comprehensive reform of the system of juvenile justice and that the Convention and other international standards in this field, such as "The Beijing Rules", the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, be seen as a guide in this revision. Attention should also be paid to measures for rehabilitation and social reintegration, in line with article 39 of the Convention.

84. The authorities should undertake all appropriate measures to the maximum extent of their available resources to ensure that sufficient resources are allocated to children, particularly children living in poverty, children living and/or working in the streets and children belonging to minority groups and other vulnerable children.

85. The Committee recommends that urgent measures be adopted to combat discrimination against children belonging to the most vulnerable groups, in particular children living in poverty, children living and/or working in the streets, children living in remote parts of the country and children belonging to minorities, including measures to eliminate and prevent discriminatory attitudes and prejudices such as those based on gender.

86. The Committee encourages the efforts currently under way to adopt adequate norms and implementing regulations relating to the protection of

young children and young persons at work. The mechanisms established to monitor the situation of working children should be strengthened in order to assess the implementation of the Convention and to narrow the gap between the law and practice. The Committee believes that technical advice, particularly from ILO, may be appropriate with regard to these matters.

87. The Committee urges that the State party take all necessary measures to prevent disappearances, torture, ill-treatment, and illegal or arbitrary detention of minors; that all such cases be systematically investigated in order to bring those suspected of having committed such acts before the courts; and that those found guilty be punished and that the victims be compensated.

88. The Committee recommends that the provisions of the Convention should be widely publicized among the general public and, in particular, among teachers, social workers, law enforcement officials, the staff in correctional facilities, judges and members of other professions who are concerned with the implementation of the Convention.

89. The Committee recommends that the initial report and additional information along with the relevant summary records and the preliminary and concluding observations adopted thereon by the Committee be made widely available to the public at large, including non-governmental organizations.

90. Finally, the Committee recommends that, in the light of article 44, paragraph 4, of the Convention, additional information be submitted to the Committee within two years about progress in relation to the legal reforms envisaged in points 18-20 above, and their implementation.

3. Concluding observations: Madagascar

91. The Committee considered the initial report of Madagascar (CRC/C/8/Add.5) at its 163rd to 165th meetings, held on 29 and 30 September 1994, and adopted* the following concluding observations.

A. Introduction

92. The Committee expresses its appreciation for the detailed and comprehensive report submitted by Madagascar as well as for the extensive additional information provided in its written responses to the list of issues. The Committee welcomes the openness reflected in the report with respect to difficulties encountered in the implementation of the Convention. In this connection, the Committee endorses, in general, the many recommendations contained in the report aimed at improving the effective application of the Convention in Madagascar. The Committee regards the report as a valuable document which may be used in Madagascar in promoting awareness of the Convention, especially in regard to its application in law and practice.

93. The Committee also expresses it appreciation to the delegation for its frank and open attitude which contributed to a constructive dialogue with the

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* Adopted at the 183rd meeting, held on 14 October 1994.

Committee. In this regard, the Committee takes note of the statement made by the delegation regretting that it had not been possible to include representatives from the departments concerned with the actual implementation of the Convention in Madagascar.

B. Positive aspects

94. The Committee welcomes the establishment of the Intersectoral Follow-up Committee which drafted the initial report and which is envisaged as a permanent coordinating body to ensure an effective follow-up in close evaluation and monitoring of the situation of children in Madagascar, as well as an appropriate follow-up in close collaboration with NGOs. The Committee expresses its satisfaction that representatives of international organizations are included in the follow-up committee, which may facilitate better coordination in the area of international cooperation and development assistance aimed at improving the situation of children in Madagascar.

C. Factors and difficulties impeding the implementation of the Convention

95. The Committee notes the difficulties facing the Government of the Republic of Madagascar in a period of political transition.

96. The Committee also notes that natural disasters and severe economic problems have had a negative impact on the situation of children. The Committee recognizes that certain traditional values in the rural areas have not favoured the rapid implementation of the Convention.

D. Principal subjects of concern

97. The Committee is concerned that the fundamental legal and administrative reforms needed to apply the Convention have still not been fully undertaken in Madagascar. As a result, many of the laws affecting children date from the period immediately following independence and would need to be brought into full conformity with the principles and provisions of the Convention.

98. The Committee notes with concern the persistence of disparities in the enjoyment of the rights recognized by the Convention between the different regions of the country, to the detriment in particular of girls, rural children and children living in situations of extreme poverty. The Committee is also concerned that lasting prejudices and traditional beliefs affect certain groups of children, including disabled children and children born on a certain day of the week (considered to bring bad luck), preventing them from fully enjoying the rights recognized by the Convention.

99. The Committee is concerned that the national legislation establishes a different minimum age for marriage between boys and girls and that it authorizes the marriages of girls as young as 14 years of age who have obtained parental consent from the father or the mother. Such situations may raise the question of compatibility with the principles of non-discrimination and the best interests of the child, in particular as these children will be considered as adults and therefore no longer eligible for the protection

afforded by the Convention. Furthermore, the Committee is concerned about the legal status of children born out of wedlock, particularly of incestuous unions.

100. The Committee is concerned at the difficulties to ensure birth registration of children. Such a situation implies the non-recognition of these children as persons before the law, which will affect the level of enjoyment of their fundamental rights and freedoms. In addition, such children are not included in relevant statistical and other information on children and their situation, therefore, cannot be properly monitored.

101. The Committee is concerned about the problems associated with ill-treatment, abuse and violence directed towards children in school and in the family, which is reinforced by social custom. In this connection, the Committee notes with concern that child abuse has not yet been clearly addressed, that adequate legal remedies for abused children do not exist and that there are inadequate safeguards against reprisals against children who report abuse.

102. With respect to basic health and welfare, the Committee notes with concern that in Madagascar, children have increasingly had difficulty in obtaining access to adequate primary health care and that many continue to suffer from lack of medicine and safe drinking water. In particular, the Committee is concerned over the alarming trend that child immunization is on the decrease.

103. With respect to education, the Committee notes with concern that there has been little progress in implementing the relevant articles of the Convention and that, in particular, the number of hours during which schools are open have been restricted, that teacher training has been inadequate and that a high proportion of pupils drop out before finishing primary school. Moreover, the Committee is concerned at the difficulties arising from the changes introduced in the education system as far as the language of instruction is concerned.

104. With regard to child exploitation, the Committee is concerned that child labour continues to be a serious problem in Madagascar, particularly in the rural areas and in the informal sector. In this connection, the Committee notes with alarm that there is no effective inspection in rural areas to combat this problem nor is there labour legislation covering domestic workers.

105. With respect to sexual exploitation of the child, the Committee is concerned that insufficient measures have been taken to prevent and combat the incitement to child pornography as well as prostitution involving children living and/or working on the streets, particularly children who are victimized by tourists.

106. With regard to the administration of juvenile justice, the Committee is concerned that the existing legislation does not reflect the spirit or the provisions of the Convention. In particular, the Committee is concerned that children may be subject to situations of deprivation of liberty, namely lengthy pre-trial detention, and that they might not benefit from the safeguards recognized in the Convention, in the light of articles 37 and 40. The Committee is also concerned by the serious conditions in the correctional

facilities which, as recognized by the delegation, may adversely affect the fulfilment of the State party's obligations under the Convention and other international human rights standards.

E. Suggestions and recommendations

107. The Committee recommends that the Government develop information and awareness campaigns on the principles and provisions of the Convention on the Rights of the Child, whenever appropriate in close cooperation with community and religious leaders, in order to create a wider awareness and contribute to the eradication of prevailing prejudices and cultural traditions which may be detrimental to the enjoyment of the rights of the child. It further suggests that special attention be paid to the training of professional groups, working with and for children, on the rights of the child.

108. The Committee recommends that the Government undertake a comprehensive review of national legislation, with a view to ensuring its full compatibility with the principles and provisions of the Convention. New legislation should be adopted in those areas where the protection of children is not yet adequately addressed, such as in the fields of child abuse and national and intercountry adoption or the administration of juvenile justice. To this end, the Committee suggests that the mandate of the Intersectoral Follow-up Committee be broadened accordingly.

109. The Committee emphasizes the importance of establishing an effective and permanent system of monitoring the implementation of the Convention and newly adopted legislation relating to children, and recognizes that the Intersectoral Follow-up Committee could be envisaged as the focal point for that purpose. The Committee also suggests that such a monitoring mechanism may strengthen its cooperation with NGOs and relevant professional groups, as well as religious and community leaders.

110. The Committee also recommends that serious consideration be given to the allocation of available resources, including those deriving from international development aid, in order that they be used, to the maximum extent possible, for the effective implementation of the economic, social and cultural rights of children, in particular those belonging to the most vulnerable groups.

111. With respect to child exploitation, the Committee recommends that efforts to prevent and combat child labour, in particular in the informal sector, be greatly intensified, and that the Government consider ratifying the ILO Minimum Age Convention, 1973 (No. 138). In this regard, the Committee further recommends that the State party consider seeking assistance from ILO, in particular with a view to reinforcing its capacity to monitor the Convention on the Rights of the Child.

112. With respect to the administration of juvenile justice, the Committee recommends that the necessary facilities be provided to implement fully the provisions of the Convention. The Committee further recommends that the law reform to be undertaken in this field adequately reflect the provisions of the Convention as well as other relevant international standards, such as "The Beijing Rules", the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. In this regard, it is suggested that serious attention be paid to the best interests and the dignity

of the child, and the consideration of deprivation of liberty as a measure of last resort and for the minimum period possible. The Committee underlines the importance of technical assistance programmes in this area and encourages the State party to consider requesting such assistance from the Centre for Human Rights as well as from the Crime Prevention and Criminal Justice Branch of the United Nations.

113. The Committee recommends that in the light of article 44, paragraph 6 of the Convention, the report submitted by the Government be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and the concluding observations adopted thereon by the Committee.

4. Preliminary observations: Paraguay

114. The Committee began consideration of the initial report of Paraguay (CRC/C/3/Add.17) at its 167th and 168th meetings (CRC/C/SR.167-168), held on 4 and 5 October 1994, and adopted* the following preliminary observations:

A. Introduction

115. The Committee expresses its appreciation to the State party for the submission of its initial report and for its willingness to engage in a dialogue with the Committee. The Committee welcomes the self-critical approach taken by the State party in its initial report, especially in indicating the factors and difficulties encountered in the implementation of the Convention. However, the Committee regrets that the information provided in the initial report and in the dialogue ensuing from its consideration is not sufficient for the Committee to form a complete and accurate assessment of the implementation of the rights of the child in Paraguay. Thus, the Committee requests the State party to submit an additional report to it within one year. The Committee would appreciate receiving within such a report more detailed and complete information in response to both the Committee's written list of issues (contained in doc. CRC/C.7/WP.2) and to the additional questions raised and concerns expressed by its members during the examination of the report, including with regard to priorities for action to implement the rights provided for under the Convention.

B. Positive aspects

116. The Committee takes note that different mechanisms have been established within the State party to deal with questions relating to the situation of children. The intention of the State party to adopt a new Juvenile Code for improving the protection and promotion of the rights of the child is also noted. Additionally, the Committee wishes to draw attention to the provision incorporated within the Constitution that not less than 20 per cent of the national budget be devoted to education. It also notes that efforts are being undertaken by the State party to provide bilingual programmes within the primary education system.

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* At the 183rd meeting, held on 14 October 1994.

C. Factors and difficulties impeding the implementation of the Convention

117. The Committee notes that Paraguay is going through a period of transition to democracy, having only recently emerged from a dictatorship form of governance. The Committee recognizes that the legacy of certain attitudes and traditions from this period hamper the effective implementation of the rights of the child.

D. Principal subjects of concern

118. The Committee is concerned that sufficient attention does not seem to have been paid to the development of a coordinating institution to monitor the implementation of the rights of the child in Paraguay. The Committee is equally concerned about the extent to which the bodies established to consider the situation of children are provided with the requisite support and resources in order to permit them to fulfil their designated functions. In addition, the Committee remains unclear as to the extent to which the process of reviewing the implementation of the rights of the child in the State party was designed to encourage and facilitate popular participation and public scrutiny of government policies.

119. The Committee is of the view that adequate measures have not yet been taken to make the principles and provisions of the Convention known to adults and children alike. Similarly, it is noted that professionals and personnel working with or for children, including military personnel, law enforcement officials, judges, health workers and teachers, lack sufficient training about the Convention on the Rights of the Child and other relevant international standards relating to the rights of the child.

120. The Committee wishes to express its general concern that the State party does not appear to have fully taken into account the provisions of the Convention, including its general principles, as reflected in its articles 2, 3, 6 and 12, in the legislative and other measures relevant to children in Paraguay. In this connection, the Committee notes that the low marriageable age for girls, presently standing at 12, and the fact that this age is lower for girls than boys are incompatible with the provisions of the Convention, including those of its article 2. In addition, the Committee is of the opinion that other legislation in force in Paraguay relating to the definition of the child with regard to the performance of military service and to the non-validity of children's statements in cases of alleged sexual abuse also raises concern as to its compatibility with the spirit and purpose of the Convention, especially in ensuring that the best interests of the child shall be a primary consideration in all actions concerning children.

121. The Committee is generally concerned that Paraguayan society is not sufficiently sensitive to the needs and situation of the girl child. It also notes the persistence of discrimination against children belonging to minority and indigenous groups contrary to the provisions of article 2 of the Convention.

122. Moreover, within the framework of the application of article 4 of the Convention, relating to the allocation of resources to the maximum extent possible, the Committee is concerned about the insufficient portion of the

national and local-level budgets allocated to social and human needs, especially with regard to responding to the situation of the most vulnerable groups of children. In this connection, the Committee wishes to emphasize the importance of the provisions of article 3 of the Convention, relating to the best interests of the child, in guiding deliberations and decisions on policy, including with regard to the allocation of human and economic resources for the implementation of the rights guaranteed under the Convention. The Committee also wishes to underline its concern about the adequacy of statistical and other data collection systems existing within the State party to assist in the formulation and design of strategies to implement the rights of the child.

123. The Committee is concerned that insufficient measures have been taken to implement the provisions of articles 7 and 8 of the Convention, particularly with regard to ensuring birth registration and that children are provided with the necessary registration certificates and other documents which accurately protect and preserve the elements of their identity. It is noted that the absence of appropriate measures for registration may seriously affect the level of the child's enjoyment of other fundamental rights and freedoms.

124. The Committee expresses its grave concern over the information brought to its attention of alleged trafficking in inter-country adoptions in violation of the provisions and principles of the Convention. It is further concerned about the absence of a normative framework in the field of inter-country adoptions, namely in the light of articles 3, 12 and 21 of the Convention.

125. The Committee notes that the social inequalities existing in the country, including through the unequal distribution of income and land, have contributed to the considerable problems facing children in Paraguay. The Committee is further concerned that the difficulties being faced by children living in rural and in disadvantaged urban areas may lead to their parents or guardians placing them in the service of wealthier families which frequently leads to the ill-treatment and abuse of these children.

126. The Committee is very much alarmed at reports it has received of the ill-treatment of children in detention centres. In view of the seriousness of such alleged violations, the Committee is concerned about the insufficient training provided to law enforcement officials and personnel of detention centres on the provisions and principles of the Convention and other relevant international instruments such as "The Beijing Rules" the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

127. The Committee is concerned that, in spite of the fact that the educational system is undergoing a considerable process of reform, the problems of a low rate of access to and retention in school, as well as a high level of school drop-out, remain.

Further action

128. The Committee notes that, during the initial dialogue with the State party, matters relating to basic health and special protection measures were not addressed. The Committee recommends that the additional report requested of the State party cover these issues. In addition, the Committee wishes to

be informed of the progress achieved with regard to the establishment of a national coordinating mechanism to monitor the rights of the child and of the participation of various bodies involved in promoting and protecting children's rights, including non-governmental organizations, in such monitoring activities. The Committee would also wish to be informed of the measures taken to ensure that the provisions of the Convention, particularly its articles 3, 12 and 21, are fully taken into consideration, including in the determination and application of legislation and procedures pertaining to the matter of adoption. In this connection, the Committee wishes to encourage the Government of Paraguay to consider ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 1993 and concluding bilateral agreements with the countries of prospective adoptive parents.

129. The Committee notes the statement contained in paragraph 160 of the State party report which indicates the importance the Government of Paraguay attaches to the Committee's advice on measures to be taken to improve the implementation of the rights of the child, and welcomes the State party's commitment to cooperating with the Committee and other United Nations bodies and agencies with a view to promoting and protecting the rights of the child. In this connection, the Committee takes further note of the technical cooperation currently provided to the Government of Paraguay through a joint programme supported by the Centre for Human Rights and the United Nations Development Programme. The Committee recommends that the concerns raised by the Committee with regard to the realization of the rights of the child should be incorporated within the activities organized under this joint programme.

5. Concluding observations: Spain

130. The Committee considered the initial report of Spain (CRC/C/8/Add.6) at its 171st, 172nd and 173rd meetings (CRC/C/SR.171-173), held on 6 and 7 October 1994, and adopted* the following concluding observations:

A. Introduction

131. The Committee expresses its appreciation to the State party for its comprehensive report and for engaging, through a high-ranking delegation, in a constructive and frank dialogue with the Committee. The Committee also welcomes the written information provided by the Government of Spain in reply to the questions set out in the list of issues (CRC/C.7/WP.1) which were communicated to it before the session, although, due to lack of time, the written information could be made available in the original language of submission only.

B. Positive factors

132. The Committee notes with satisfaction the declaration made by Spain at the time of its ratification of the Convention with regard to the provisions of paragraphs 2 and 3 of article 38 and the commitment of the State party not to permit the recruitment and participation in armed conflict of persons below the age of 18 years.

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* Adopted at the 183rd meeting, held on 14 October 1994.

133. The Committee also welcomes the open and self-critical approach taken by the Government of Spain in preparing its report.

134. The Committee welcomes the judgement of the Spanish Constitutional Court of 14 February 1991 declaring unconstitutional the procedure that juvenile courts followed in the past. The Committee notes with satisfaction the ruling of the Constitutional Court which explicitly takes up in full the terms of article 40, paragraph 2 (b), of the Convention and concludes, inter alia, that the fundamental rights brought together by the Spanish Constitution have to be respected also in criminal proceedings against minors.

135. The Committee further welcomes the fact that, in Spain, discriminatory acts committed by a public official are considered criminal offences under the law.

C. Principal subjects of concern

136. The Committee is concerned at the fact that effective coordination has not been fully developed between central authorities and regional and local authorities in the implementation of policies for the promotion and protection of the rights of the child. Coordination is also necessary for the purpose of monitoring in order to avoid disparities developing in the implementation of economic, social and cultural programmes relating to children.

137. The Committee is concerned at the impact on the rights of the child of the high rate of unemployment and the deterioration of the economic and social environment.

138. The Committee is worried about one aspect of the treatment of unaccompanied minors seeking refuge which may contradict the principle that each case be dealt with on an individual basis and on its own merits. The practice of automatically informing the authorities of their country of origin may lead to their persecution, or the persecution of their relatives, for political reasons.

139. Furthermore, the Committee expresses concern at the wording of article 154 of the Spanish Civil Code which provides that parents "may administer punishment to their children reasonably and in moderation", which may be interpreted to allow for actions in contradiction with article 19 of the Convention.

140. The Committee expresses its concern at the high percentage of single parent families and the need for special programmes and services to provide the necessary care for children from such families.

D. Suggestions and recommendations

141. The Committee recommends that the State party strengthen the coordination mechanisms existing in its constitutional and legislative framework and develop evaluation and monitoring at all levels of the administration, central, regional and local (including the comunidades autónomas), to ensure that the Convention on the Rights of the Child is fully respected and implemented.

142. The Committee further recommends that the Government of Spain gather all the necessary information in order to have an overall view of the situation in the country and to ensure a comprehensive and multidisciplinary evaluation of progress and difficulties in implementing the Convention. This evaluation should enable it to shape appropriate policies to combat disparities and lasting prejudices.

143. The State party is recommended to pay particular attention to the implementation of article 4 of the Convention and ensure a balanced distribution of resources at the central, regional and local levels. In establishing the budget allocated to the promotion and protection of economic, social and cultural rights, the best interests of the child should be taken as a primary consideration and available resources should be allocated to their maximum extent.

144. It is recommended that the State party consider reviewing its programme for international cooperation in order to assess the possibility of giving more emphasis to the social sectors and to direct the assistance to the most underprivileged children.

145. Measures should be taken to disseminate information and increase awareness about the Convention and to prevent discriminatory attitudes or prejudices towards vulnerable groups of children including migrant children and gypsies. To this effect, the Committee suggests that law enforcement officials, judges, other administration of justice officials and, more generally, members of professions concerned with the implementation of the Convention be provided with adequate training on the basic principles and norms contained in it.

146. The Committee suggests that the State party consider institutionalizing the existing relations with non-governmental organizations and research institutions in order to mobilize popular participation in activities and programmes relating to the promotion and protection of the rights of the child.

147. Furthermore, the Committee encourages the Spanish authorities to pursue the law reform to ensure full compliance of the domestic legislation with the provisions of the Convention. In this regard, the Committee recommends that the law reform include the review of the language used in legal provisions and, in particular, the revision of article 154 of the Spanish Civil Code stating that parents "may administer punishment to their children reasonably and in moderation", in order to bring it into full conformity with article 19.

148. The Committee recommends the State party to consider legal amendments in order to ensure the right to participation of children, including the right to freedom of association and to freedom of peaceful assembly as reflected in article 15 of the Convention.

149. The Committee also recommends that the Government of Spain improve the system of safeguards in the cases of inter-country adoption. In this connection, the Committee encourages Spain to consider ratifying the Hague Convention on Protection of Children and Cooperation in respect of Intercountry Adoption.

150. Further steps should be taken to strengthen the system of assistance to both parents in the performance of their child-rearing responsibilities, in particular in the light of article 18. It is further suggested that the problem of single parenthood be studied and that relevant programmes be established to meet their particular needs.

151. The Committee recommends that the Government of Spain take all the necessary measures to guarantee that refugee children, children who are asylum seekers and unaccompanied children enjoy the rights recognized by the Convention on the Rights of the Child and that, in accordance with its article 10, applications for asylum made for the purpose of family reunification be dealt with in a positive, humane and expeditious manner.

152. The Committee encourages the Government of Spain to consider signing and ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

153. The State party should give particular attention to the implementation of the provisions of article 32 of the Convention aimed at protecting the child against economic exploitation as well as to the implementation of the relevant conventions of the International Labour Organisation that it has ratified.

154. Finally, the Committee recommends that the initial report of Spain, the summary records of the meetings of the Committee in which the report was considered and the concluding observations of the Committee on the report be published and disseminated as widely as possible in Spain.

6. Postponement of consideration: Argentina

155. The additional report which had been requested from the Government of Argentina to supplement the information contained in Argentina's initial report, which should have been submitted by March 1994 was received just before the consideration by the Committee of the report of Argentina. In view of this fact, the Committee considered that it had not been given the opportunity of fully taking into consideration such an additional report, and therefore decided to postpone the adoption of its concluding observations on Argentina until its next session, to be held in January 1995.

IV. OVERVIEW OF THE OTHER ACTIVITIES OF THE COMMITTEE

A. Informal meeting

156. The informal meeting of the Committee on the Rights of the Child for the African region was held from 11 to 22 July 1994. The purposes of the meeting, organized by UNICEF with support and assistance from the Centre for Human Rights, other United Nations agencies and bodies and other competent bodies active in the field of the rights of the child were as follows: (i) to promote, at the regional and sub-regional level, greater awareness and understanding of the principles of the Convention, increased mobilization for the implementation of its provisions and better knowledge of the role and functions of the Committee in monitoring the implementation of the Convention, as well as a better awareness of the reporting system under the Convention and its decisive importance in encouraging popular participation and a meaningful national debate on the situation of the rights of the child; (ii) to enhance

cooperation and joint efforts between the various governmental and non-governmental organs and bodies which have a role to play in the implementation of the Convention at the international, regional, national and community levels; (iii) to provide an opportunity for the members of the Committee to observe directly, through on-site visits and contacts, the reality facing children in a given regional and subregional context, thus enabling the Committee to better assess such a reality.

157. During its two weeks in Africa, the Committee was given the opportunity to understand better the crucial problems affecting the region, as well as the main projects and actions developed to face them. To enable a better coverage of the region, it had been decided that the Committee members would start the trip in Kenya, afterwards dividing into two groups, one to visit Ghana and Mali and the other to travel to Zimbabwe and South Africa. The Committee would then meet again as a group in Côte d'Ivoire, in order to exchange information on the field trips and consider recommendations for its future informal meetings.

158. In the different countries, the Committee members held important meetings with government officials, members of Parliament, representatives of United Nations bodies, specialized agencies, national institutions in the field of human and children's rights and active non-governmental organizations. On several occasions the media were involved, paving the way for a public discussion on the Convention and the situation of children at the national and international levels.

159. During the regional meeting and country visits, the Committee encouraged ratification of the Convention by those States which were not yet parties to it, and called for its effective implementation and full respect for its principles and provisions. The Committee emphasized the essential value of the reporting system, in ensuring, in a comprehensive and meaningful manner, the review and evaluation of the different measures undertaken by each country to ensure a shared awareness of the situation of children and the effective realization of the rights of the child. The members of the Committee stressed the importance of the coordination of activities between all those involved in areas relating to children, in both the governmental and non-governmental areas, as a means to gather relevant information, shape adequate and consistent policies and monitor progress.

160. In Kenya, the Committee paid particular attention to the situation of armed conflicts and the way they deeply affect the lives of children. In the light of the conclusions it had reached during its first thematic general discussion on the same issue, it particularly addressed the dramatic experience of refugee children and the special measures of protection they require. Furthermore, the Committee emphasized the essential role physical and psychological recovery and social re-integration measures play in fostering the self-respect and dignity of any child victim of an armed conflict or who has been forced to flee or seek refuge because of it.

161. The consideration of this question was particularly meaningful since it coincided with the appointment by the Secretary General of Mrs. Graça Machel, (Mozambique), to prepare the major study requested by the Committee on the

participation of children in armed conflicts. The opportunity afforded those members of the Committee visiting South Africa to hold a working session with Mrs. Machel in Johannesburg was warmly welcomed.

162. On 13 July 1994, the Committee divided into two groups and proceeded to field trips in different countries of the region. One group travelled to Ghana and Mali, while the second group visited Zimbabwe and South Africa.

163. During their stay in Zimbabwe and South Africa, members of the Committee had the opportunity to consider the political, economic, social and cultural situation in which children live, as well as the specific programmes implemented to improve the level of enjoyment of their rights. During their stay in these two countries, the members of the Committee, while calling for a comprehensive review of the existing national legislation and the allocation to the maximum extent possible of all available resources for children's policies, gave particular attention to the crucial role of social development policies and awareness and training activities in order to overcome existing regional, economic and social disparities, prevailing cultural traditions, as well as persisting sexual and racial prejudices, in the overall framework of the Convention on the Rights of the Child.

164. The different meetings held and the projects visited, both in urban and rural areas, run either by governmental or non-governmental entities, gave the Committee the opportunity to become more aware of existing problems calling for urgent consideration. These include the impact of AIDS on the population and the resulting large number of orphans; the difficulties and problems arising from the breakdown of the family, including the high rate of early pregnancies, as well as of children who to survive are forced to live and work in the streets; the persistence of situations of social and political violence. The Committee was also informed about important steps taken to strengthen cooperation with and among non-governmental organizations, to promote the participation of children in family and social life, to prevent situations of abuse and neglect of children and to prevent HIV infection through school programmes on AIDS.

165. During their stay in Ghana and Mali, members of the Committee had the opportunity to meet with high-level government representatives, members of Parliament; representatives of national commissions for children and national human rights commissions; members of committees entrusted with legislative reform aimed at adapting national legislation to the requirements of the Convention or responsible for preparing the report due under the provisions of the Convention, members of non-governmental organizations and community leaders and members. They visited various governmental and non-governmental projects such as day care centres, day shelters for children living or working in the street, peri-urban projects and urban poor community projects. They also visited schools, including schools for handicapped children, children's homes, community health care centres, nutrition projects, projects involving Garibus (children placed with a Koranic teacher (marabout), resettled populations projects, rehabilitation schools for youth and detention centres where juveniles were being held.

166. On 22 July 1994, members of the Committee gathered in Abidjan, where they met with representatives of various United Nations bodies, specialized agencies, the African Bank for Development, as well as representatives of

non-governmental organizations and children's organizations. Members of the Committee were extensively briefed about the political, economic, social and cultural situation in western and central Africa as it affects the implementation of the rights of the child. In discussions with UNICEF regional advisers, representatives of United Nations bodies and agencies, representatives of international and national non-governmental organizations and children's organizations, the main features of the situation of children in the region were outlined, including those aspects relating to child labour, AIDS and HIV infection and other health-related problems, the question of refugee children, problems in the field of nutrition and basic education. Specific references were made to the rights of the child in an Islamic context, as well as to children in need of special protection, including those living or working in the street.

167. The meeting in Abidjan also provided members of the Committee with an opportunity to explain to the various participants and to the media the main principles and provisions of the Convention and the purpose and functions of the Committee.

168. The regional Africa meeting, and in particular the constitution of subgroups of the Committee to visit different countries and projects on the region, was considered as an extremely rich experience. The Committee, therefore, reaffirmed that it would be decisively important to continue to organize such informal regional meetings, in close cooperation with UNICEF and other United Nations bodies. Such occasions would greatly contribute to the universal ratification of the Convention and to its serious consideration and effective implementation. They would also help to make better known both the system of reporting under the Convention and the role the Committee plays in that regard.

169. Thus, the Committee, recalling the importance of the three informal regional meetings organized in Latin America, Asia and Africa, recognized that it would be possible to improve the effectiveness of such meetings and allow for greater flexibility in their organization. For this reason, it would like to envisage the possibility of undertaking future trips by smaller groups composed of only some of its members. The Committee would then be in a better position to assess, in the course of the year, how better to contribute to the ratification of the Convention by non-States parties, to the submission of implementation reports, or even to follow up on the Committee's consideration of the situation of children in a particular country, in the light of the discussion held with the representatives of a particular State party.

B. Review of developments relevant to the work of the Committee

170. At its first session, the Committee had requested the Secretariat to report, at the beginning of each session, on the action taken pursuant to decisions adopted by the Committee at its previous session. Accordingly, the Committee was provided with informal notes prepared by the Secretariat containing summaries of action taken by the General Assembly at its forty-eighth session, the Commission on Human Rights at its fiftieth session and the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-sixth session on issues relevant to the rights of the child.

171. Following a decision taken at the first session, the Rapporteur made a comprehensive oral report on main developments relevant to the work of the Committee which had occurred since the fourth session of the Committee.

172. In her presentation, particular emphasis was put on action taken by the different entities of the United Nations, including thematic mechanisms and treaty monitoring bodies, on areas relating to the methods of work of the Committee and to the study of thematic issues relevant to its mandate. A transcription of the Rapporteur's presentation is to be found in annex IV to the present report.

173. The Chairperson informed the Committee about the important decisions taken and recommendations made by the 5th meeting of persons chairing the human rights treaty bodies, held at Geneva from 19 to 23 September 1994, pursuant to General Assembly resolution 48/120 of 20 December 1993. (See A/49/537, annex.) She also gave an account of the main developments which had occurred at the International Conference on Population and Development, at which she had represented the Committee.

174. The Committee also recalled the importance it attached to following closely the developments relating to the forthcoming World Summit for Social Development and Fourth World Conference on Women, and decided that it would prepare specific comments in relation to these two international events.

C. Methods of work of the Committee

175. At its fifth session, held in January 1994, the Committee had started considering a working paper containing an overview of its reporting procedure. This document, which was designed to make the current reporting procedure as defined in the general guidelines on initial reports adopted by the Committee at its first session (CRC/C/5) more transparent and readily accessible to States parties and others interested in the implementation of the Convention, was adopted at the present session (see annex V). The overview of the reporting procedures will be transmitted to States parties whose reports are due for consideration by the Committee.

D. Meeting with the United Nations expert on the impact of armed conflict on children

176. In accordance with General Assembly resolution 48/157, Mrs. Graça Machel, was appointed by the Secretary-General to undertake a major study on the situation of children affected by armed conflicts.

177. In the same resolution, the Assembly called upon the Committee on the Rights of the Child also to contribute to the study, in particular in view of the fact that the study had been recommended by the Committee following the general thematic discussion held on the issue.

178. Mrs. Machel held an important meeting with the Committee in which she stressed that there was a clear recognition on the part of the international community of the catastrophic conditions to which children have been and continue to be exposed, both as targets and perpetrators of the atrocities of

war. Following an exchange of views on the main topics to be addressed by the study, Mrs. Machel expressed her willingness to maintain close cooperation with the Committee within the framework of her mandate.

E. Cooperation with United Nations and other competent bodies

179. Reiterating the importance it attaches to cooperation with United Nations and other competent bodies, the Committee recalled the meeting it had organized in January 1994 and decided to hold another one at its next session.

180. The aim of the meeting would be to evaluate the progress achieved in this crucial area, as well as to consider ways of strengthening the spirit of dialogue and interaction in order to improve progressively the system of implementation of the Convention, namely in the light of its article 45.

181. Moreover, it would be an opportunity to pave the way, as recommended by the World Conference on Human Rights, for matters relating to the human rights and the situation of children to be regularly reviewed and monitored by all the relevant United Nations organs and mechanisms and by the supervisory bodies of the specialized agencies in accordance with their mandates.

182. In this regard, the Committee decided to ask one of its members to prepare a working document for that meeting, identifying areas and activities where special emphasis should be put in the future to foster the implementation of the Convention.

F. General discussion on the role of the family in the promotion of the rights of the child

183. In view of the importance it attaches to the enhancement of a deeper understanding of the Convention on the Rights of the Child, and taking into account the fact that 1994 had been proclaimed as the International Year of the Family, the Committee had decided to devote one day of its seventh session to a general discussion on the role of the family in the promotion of the rights of the child.

184. Several organizations had submitted documents on the theme. The list of these documents is to be found in annex VI to the present report.

185. Representatives of the following organizations and bodies made statements on the day of the general discussion: United Nations Division for the Advancement of Women, United Nations Children's Fund, Office of the United Nations High Commissioner for Refugees, International Labour Organisation, Food and Agriculture Organization of the United Nations, World Health Organization, The Hague Conference on Private International Law, Anti-Slavery International, Associated Country Women of the World, Children's Rights Development Unit, Epoch Worldwide, Foundation for the Protection of Children Damaged from the State of Emergency, International Catholic Child Bureau, International Federation Terre des Hommes, International Movement ATD Fourth World, London Black Women's Health Action, National Children's Bureau, Radda Barnen International, Women Living Under Muslim Law. The Coordination of the International Year of the Family also made a statement.

186. The general discussion was framed by the outline which had been prepared by the Committee on the "Role of the family in the promotion of the rights of the child". Two main issues were addressed: the evolution and importance of the family, stressing the diversity of family structures arising from different cultural patterns and emerging family relationships, and civil rights and freedoms within the family, including the right to be registered with a name, to a nationality, to preserve the child's identity and not to be subjected to any form of mental or physical violence.

187. In their interventions the participants emphasized some of these issues, calling attention to the positive role the Convention has played in promoting the consideration of the rights of the child, the rights and responsibilities of parents and other family members, and the need to tackle situations in which the human dignity of the child may not be fully respected. Representatives of United Nations bodies and specialized agencies stressed the essential value of the Convention as a framework for shaping and implementing their respective programmes designed to improve the situation of the family and to promote the protection of the rights of its members.

188. At the conclusion of the general discussion, the Committee reached some preliminary conclusions, which are summarized below.

189. The general discussion on the role of the family in the promotion of the rights of the child has allowed for extensive consideration of a diversity of issues relating to the responsibilities and rights of parents, the support and assistance to be provided by the State to families and their individual members, to the situation and the fundamental rights and freedoms of children within the overall framework of the family.

1. What is the family?

190. On the basis of the different interventions, it would seem hard to argue for a single notion of the family. Through the influence of economic and social factors, and of the prevailing political, cultural or religious traditions, the family has been shaped in a diversity of ways and naturally faces different challenges or living conditions. Would it therefore be acceptable to consider that only some kinds of family or family situations deserve assistance and support from the State and society i.e., nuclear, extended, biological, adoptive or single-parent families? Could it be considered that only in certain circumstances would the family or family life have decisive social value? On the basis of what criteria: legal, political, religious or other? Would it be possible to favour a perspective where only under certain conditions would children be given the opportunity to enjoy rights which, in fact, are inherent to the dignity of their human nature?

191. All these questions seem to place the essential value of the principle of non-discrimination in the forefront of the general discussion.

2. What is the child within the family?

192. Traditionally, the child has been seen as a dependent, invisible and passive family member. Only recently has he or she become "seen" and,

furthermore, the movement is growing to give him or her the space to be heard and respected. Dialogue, negotiation, participation have come to the forefront of common action for children.

193. The family becomes in turn the ideal framework for the first stage of the democratic experience for each and all of its individual members, including children. Is this only a dream or should it also be envisaged as a precise and challenging task?

194. It is well known that much remains to be done. In view of the external circumstances surrounding the family and the tensions arising therein, be they economic, social or cultural, situations still often occur in which the child is supposed to work for and with the family, the girl is expected to take care of her siblings and replace the mother in all the tasks of the household, encouraged at an early stage to prepare for her "role" as a mother, etc. Children are often abused, neglected, and their right to physical integrity ignored, on the assumption that the privacy of the family automatically confers on parents the ability to make correct and informed judgements with respect to the "responsible upbringing of future citizens".

195. The hope was expressed that, by adhering to the essential principle of the best interests of the child and making use of active campaigns of awareness, information and education, it will be possible to change prevailing prejudices and cultural or religious traditions which are contrary to the dignity of the child, detrimental to the child's harmonious development or prevent the effective enjoyment of the fundamental rights by children.

3. What is the child in the absence of a family?

196. The discussion also addressed the "usually forgotten" question of what is the reality of a child, in the absence of a family? In such cases, would the system of protection be improved? Would the best interests of the child ever be assessed? Would there be any room for the participation of the child? Would there be anyone to listen? Would it be possible to prevent and combat discrimination? In short, would it ever be possible to address seriously the situation of these children within the framework of fundamental human rights and freedoms?

197. All these questions are a natural encouragement to further elaboration, to further studies and discussions, and to concrete programmes and strategies both at the national level and within the framework of international cooperation. For all of them, the Convention was reaffirmed as the common reference and the inspiring document. The Convention is, furthermore, the most appropriate framework in which to consider, and to ensure respect for, the fundamental rights of all family members, in their individuality.

198. Children's rights will gain autonomy, but they will be especially meaningful in the context of the rights of parents and other members of the family - to be recognized, to be respected, to be promoted. And this will be the only way to promote the status of, and the respect for, the family itself.

199. The Committee expressed the hope that the debate may have played a catalysing role in the future consideration and action in this important issue.

200. The follow-up to be ensured in the future, both by the Committee and all other partners, in the implementation of the Convention on the Rights of the Child, will contribute to further developing the important conclusions of this general thematic discussion.

201. In view of the contributions made and the importance of the realities considered, the Committee decided to ensure a follow-up to its general discussion and prepare to that purpose a working paper to be discussed during its eighth session, scheduled to take place in January 1995.

V. DRAFT PROVISIONAL AGENDA FOR THE EIGHTH SESSION

202. The following is the draft provisional agenda for the eighth session of the Committee:

1. Adoption of the agenda.

2. Organizational and other matters.

3. Submission of reports by States parties in accordance with article 44 of the Convention.

4. Consideration of reports of States parties.

5. System of documentation and information.

6. General discussion on "The girl child".

7. Cooperation with other United Nations bodies, specialized agencies and other competent bodies.

8. Methods of work of the Committee.

9. Future meetings of the Committee.

10. Other matters.

VI. ADOPTION OF THE REPORT

203. At its 183rd meeting, held on 14 October 1994, the Committee considered the draft report on its seventh session. The report was unanimously adopted by the Committee.

Annex I

STATES WHICH HAVE RATIFIED OR ACCEDED TO THE CONVENTION ON THE RIGHTS OF THE CHILD AS AT 14 OCTOBER 1994 (167)

States	Date of signature	Date of receipt of instrument of ratification/accession a/	Date of entry into force
Afghanistan	27 September 1990	28 March 1994	27 April 1994
Albania	26 January 1990	27 February 1992	28 March 1992
Algeria	26 January 1990	16 April 1993	16 May 1993
Angola	14 February 1990	5 December 1990	4 January 1991
Antigua and Barbuda	12 March 1991	5 October 1993	4 November 1993
Argentina	29 June 1990	4 December 1990	3 January 1991
Armenia		23 June 1993 a/	22 July 1993
Australia	22 August 1990	17 December 1990	16 January 1991
Austria	26 January 1990	6 August 1992	5 September 1992
Azerbaijan		13 August 1992 a/	12 Septembe 1992
Bahamas	30 October 1990	20 February 1991	22 March 1991
Bahrain		13 February 1992 a/	14 March 1992
Bangladesh	26 January 1990	3 August 1990	2 September 1990
Barbados	19 April 1990	9 October 1990	8 November 1990
Belarus	26 January 1990	1 October 1990	31 October 1990
Belgium	26 January 1990	16 December 1991	15 January 1992
Belize	2 March 1990	2 May 1990	2 September 1990
Benin	25 April 1990	3 August 1990	2 September 1990
Bhutan	4 June 1990	1 August 1990	2 September 1990
Bolivia	8 March 1990	26 June 1990	2 September 1990
Bosnia and Herzegovina*			6 March 1992
Brazil	26 January 1990	24 September 1990	24 October 1990
Bulgaria	31 May 1990	3 June 1991	3 July 1991
Burkina Faso	26 January 1990	31 August 1990	30 September 1990
Burundi	8 May 1990	19 October 1990	18 November 1990
Cambodia	22 September 1992	15 October 1992	14 November 1992
Cameroon	25 September 1990	11 January 1993	10 February 1993
Canada	28 May 1990	13 December 1991	12 January 1992
Cape Verde		4 June 1992 a/	4 July 1992
Central African Republic	30 July 1990	23 April 1992	23 May 1992
Chad	30 September 1990	2 October 1990	1 November 1990
Chile	26 January 1990	13 August 1990	12 September 1990
China	29 August 1990	2 March 1992	1 April 1992
Colombia	26 January 1990	28 January 1991	27 February 1991
Comoros	30 September 1990	22 June 1993	21 July 1993

States	Date of signature	Date of receipt of instrument of ratification/accession a/	Date of entry into force
Congo		14 October 1993 a/	13 November 1993
Costa Rica	26 January 1990	21 August 1990	20 September 1990
Côte d'Ivoire	26 January 1990	4 February 1991	6 March 1991
Croatia*			8 October 1991
Cuba	26 January 1990	21 August 1991	20 September 1991
Cyprus	5 October 1990	7 February 1991	9 March 1991
Czech Republic*			1 January 1993
Democratic People's Republic of Korea	23 August 1990	21 September 1990	21 October 1990
Denmark	26 January 1990	19 July 1991	18 August 1991
Djibouti	30 September 1990	6 December 1990	5 January 1991
Dominica	26 January 1990	13 March 1991	12 April 1991
Dominican Republic	8 August 1990	11 June 1991	11 July 1991
Ecuador	26 January 1990	23 March 1990	2 September 1990
Egypt	5 February 1990	6 July 1990	2 September 1990
El Salvador	26 January 1990	10 July 1990	2 September 1990
Equatorial Guinea		15 June 1992 a/	15 July 1992
Eritrea	20 December 1993	3 August 1994	2 September 1994
Estonia		21 October 1991 a/	20 November 1991
Ethiopia		14 May 1991 a/	13 June 1991
Fiji	2 July 1993	13 August 1993	12 September 1993
Finland	26 January 1990	20 June 1991	20 July 1991
France	26 January 1990	7 August 1990	6 September 1990
Gabon	26 January 1990	9 February 1994	11 March 1994
Gambia	5 February 1990	8 August 1990	7 September 1990
Germany	26 January 1990	6 March 1992	5 April 1992
Georgia		2 June 1994 a/	2 July 1994
Ghana	29 January 1990	5 February 1990	2 September 1990
Greece	26 January 1990	11 May 1993	10 June 1993
Grenada	21 February 1990	5 November 1990	5 December 1990
Guatemala	26 January 1990	6 June 1990	2 September 1990
Guinea		13 July 1990 a/	2 September 1990
Guinea-Bissau	26 January 1990	20 August 1990	19 September 1990
Guyana	30 September 1990	14 January 1991	13 February 1991
Holy See	20 April 1990	20 April 1990	2 September 1990
Honduras	31 May 1990	10 August 1990	9 September 1990

States	Date of signature	Date of receipt of instrument of ratification/accession a/	Date of entry into force
Hungary	14 March 1990	7 October 1991	6 November 1991
Iceland	26 January 1990	28 October 1992	27 November 1992
India		11 December 1992 a/	11 January 1993
Indonesia	26 January 1990	5 September 1990	5 October 1990
Iran (Islamic Republic of)	5 September 1991	13 July 1994	12 August 1994
Iraq		15 June 1994 a/	15 July 1994
Ireland	30 September 1990	28 September 1992	28 October 1992
Israel	3 July 1990	3 October 1991	2 November 1991
Italy	26 January 1990	5 September 1991	5 October 1991
Jamaica	26 January 1990	14 May 1991	13 June 1991
Japan	21 September 1990	22 April 1994	22 May 1994
Jordan	29 August 1990	24 May 1991	23 June 1991
Kazakhstan	16 February 1994	12 August 1994	11 September 1994
Kenya	26 January 1990	30 July 1990	2 September 1990
Kyrgyzstan		7 October 1994 a/	
Kuwait	7 June 1990	21 October 1991	20 November 1991
Lao People's Democratic Republic		8 May 1991 a/	7 June 1991
Latvia		14 April 1992 a/	14 May 1992
Lebanon	26 January 1990	14 May 1991	13 June 1991
Lesotho	21 August 1990	10 March 1992	9 April 1992
Liberia	26 April 1990	4 June 1993	4 July 1993
Libyan Arab Jamahiriya		15 April 1993 a/	15 May 1993
Lithuania		31 January 1992 a/	1 March 1992
Luxembourg	21 March 1990	7 March 1994	6 April 1994
Madagascar	19 April 1990	19 March 1991	18 April 1991
Malawi		2 January 1991 a/	1 February 1991
Maldives	21 August 1990	11 February 1991	13 March 1991
Mali	26 January 1990	20 September 1990	20 October 1990
Malta	26 January 1990	30 September 1990	30 October 1990
Marshall Islands	14 April 1993	4 October 1993	3 November 1993
Mauritania	26 January 1990	16 May 1991	15 June 1991
Mauritius		26 July 1990 a/	2 September 1990
Mexico	26 January 1990	21 September 1990	21 October 1990
Micronesia		5 May 1993 a/	4 June 1993
Monaco		21 June 1993 a/	21 July 1993

States	Date of signature	Date of receipt of instrument of ratification/accession a/	Date of entry into force
Mongolia	26 January 1990	5 July 1990	2 September 1990
Morocco	26 January 1990	21 June 1993	21 July 1993
Mozambique	30 September 1990	26 April 1994	26 May 1994
Myanmar		15 July 1991 a/	14 August 1991
Namibia	26 September 1990	30 September 1990	30 October 1990
Nauru		27 July 1994 a/	26 August 1994
Nepal	26 January 1990	14 September 1990	14 October 1990
New Zealand	1 October 1990	6 April 1993	6 May 1993
Nicaragua	6 February 1990	5 October 1990	4 November 1990
Niger	26 January 1990	30 September 1990	30 October 1990
Nigeria	26 January 1990	19 April 1991	19 May 1991
Norway	26 January 1990	8 January 1991	7 February 1991
Pakistan	20 September 1990	12 November 1990	12 December 1990
Panama	26 January 1990	12 December 1990	11 January 1991
Papua New Guinea	30 September 1990	1 March 1993	31 March 1993
Paraguay	4 April 1990	25 September 1990	25 October 1990
Peru	26 January 1990	4 September 1990	4 October 1990
Philippines	26 January 1990	21 August 1990	20 September 1990
Poland	26 January 1990	7 June 1991	7 July 1991
Portugal	26 January 1990	21 September 1990	21 October 1990
Republic of Korea	25 September 1990	20 November 1991	20 December 1991
Republic of Moldova		26 January 1993 a/	25 February 1993
Romania	26 January 1990	28 September 1990	28 October 1990
Russian Federation	26 January 1990	16 August 1990	15 September 1990
Rwanda	26 January 1990	24 January 1991	23 February 1991
Saint Kitts and Nevis	26 January 1990	24 July 1990	2 September 1990
Saint Lucia		16 June 1993 a/	16 July 1993
Saint Vincent and the Grenadines	20 September 1993	26 October 1993	25 November 1993
San Marino		25 November 1991 a/	25 December 1991
Sao Tome and Principe		14 May 1991 a/	13 June 1991
Senegal	26 January 1990	31 July 1990	2 September 1990
Seychelles		7 September 1990 a/	7 October 1990
Sierra Leone	13 February 1990	18 June 1990	2 September 1990
Slovakia*			1 January 1993
Slovenia*			25 June 1991

States	Date of signature	Date of receipt of instrument of ratification/accession a/	Date of entry into force
Spain	26 January 1990	6 December 1990	5 January 1991
Sri Lanka	26 January 1990	12 July 1991	11 August 1991
Sudan	24 July 1990	3 August 1990	2 September 1990
Suriname	26 January 1990	1 March 1993	31 March 1993
Sweden	26 January 1990	29 June 1990	2 September 1990
Syrian Arab Republic	18 September 1990	15 July 1993	14 August 1993
Tajikistan		26 October 1993 a/	25 November 1993
Thailand		27 March 1992 a/	26 April 1992
The Former Yugoslav Republic of Macedonia*			17 September 1991
Togo	26 January 1990	1 August 1990	2 September 1990
Trinidad and Tobago	30 September 1990	5 December 1991	4 January 1992
Tunisia	26 February 1990	30 January 1992	29 February 1992
Turkmenistan		20 September 1993 a/	19 October 1993
Uganda	17 August 1990	17 August 1990	16 September 1990
Ukraine	21 February 1991	28 August 1991	27 September 1991
United Kingdom of Great Britain and Northern Ireland	19 April 1990	16 December 1991	15 January 1992
United Republic of Tanzania	1 June 1990	10 June 1991	10 July 1991
Uruguay	26 January 1990	20 November 1990	20 December 1990
Uzbekistan		29 June 1994 a/	29 July 1994
Vanuatu	30 September 1990	7 July 1993	6 August 1993
Venezuela	26 January 1990	13 September 1990	13 October 1990
Viet Nam	26 January 1990	28 February 1990	2 September 1990
Yemen	13 February 1990	1 May 1991	31 May 1991
Yugoslavia	26 January 1990	3 January 1991	2 February 1991
Zaire	20 March 1990	27 September 1990	27 October 1990
Zambia	30 September 1990	5 December 1991	5 January 1992
Zimbabwe	8 March 1990	11 September 1990	11 October 1990

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* Succession.

a/ Denotes accession.

Annex II

MEMBERSHIP OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

Name of Member	Country of nationality
Mrs. Hoda Badran*	Egypt
Mgr. Luis A. Bambaren Gastelumendi**	Peru
Mrs. Akila Belembaogo**	Burkina Faso
Mrs. Flora C. Eufemio*	Philippines
Mr. Thomas Hammarberg**	Sweden
Mr. Youri Kolosov**	Russian Federation
Miss Sandra Prunella Mason**	Barbados
Mr. Swithun Tachiona Mombeshora*	Zimbabwe
Mrs. Marta Santos Pais*	Portugal
Mrs. Marilia Sardenberg*	Brazil

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* Term expires on 28 February 1997.

** Term expires on 28 February 1995.

Annex III

STATUS OF SUBMISSION OF REPORTS BY STATES PARTIES UNDER ARTICLE 44 OF THE CONVENTION ON THE RIGHTS OF THE CHILD

Initial reports due in 1992

State party	Date of entry into force	Date due	Date of submission	Symbol
Bangladesh	2 September 1990	1 September 1992		
Barbados	8 November 1990	7 November 1992		
Belarus	31 October 1990	30 October 1992	12 February 1993	CRC/C/3/Add.14
Belize	2 September 1990	1 September 1992		
Benin	2 September 1990	1 September 1992		
Bhutan	2 September 1990	1 September 1992		
Bolivia	2 September 1990	1 September 1992	14 September 1992	CRC/C/3/Add.2
Brazil	24 October 1990	23 October 1992		
Burkina Faso	30 September 1990	29 September 1992	7 July 1993	CRC/C/3/Add.19
Burundi	18 November 1990	17 November 1992		
Chad	1 November 1990	31 October 1992		
Chile	12 September 1990	11 September 1992	22 June 1993	CRC/C/3/Add.18
Costa Rica	20 September 1990	20 September 1992	28 October 1992	CRC/C/3/Add.8
Democratic People's Republic of Korea	21 October 1990	20 October 1992		

Initial reports due in 1992 (continued)

State party	Date of entry into force	Date due	Date of submission	Symbol
Ecuador	2 September 1990	1 September 1992		
Egypt	2 September 1990	1 September 1992	23 October 1992	CRC/C/3/Add.6
El Salvador	2 September 1990	1 September 1992	3 November 1992	CRC/C/3/Add.9 & Add.28
France	6 September 1990	5 September 1992	8 April 1993	CRC/C/3/Add.15
Gambia	7 September 1990	6 September 1992		
Ghana	2 September 1990	1 September 1992		
Grenada	5 December 1990	4 December 1992		
Guatemala	2 September 1990	1 September 1992		
Guinea	2 September 1990	1 September 1992		
Guinea-Bissau	19 September 1990	18 September 1992		
Holy See	2 September 1990	1 September 1992	2 March 1994	CRC/C/3/Add.27
Honduras	9 September 1990	8 September 1992	11 May 1993	CRC/C/3/Add.17
Indonesia	5 October 1990	4 October 1992	17 November 1992	CRC/C/3/Add.10 & CRC/C/3/Add.26
Kenya	2 September 1990	1 September 1992		
Mali	20 October 1990	19 October 1992		
Malta	30 October 1990	29 October 1992		
Mauritius	2 September 1990	1 September 1992		
Mexico	21 October 1990	20 October 1992	15 December 1992	CRC/C/3/Add.11
Mongolia	2 September 1990	1 September 1992		

Initial reports due in 1992 (continued)

State party	Date of entry into force	Date due	Date of submission	Symbol
Namibia	30 October 1990	29 October 1992	21 December 1992	CRC/C/3/Add.12
Nepal	14 October 1990	13 October 1992		
Nicaragua	4 November 1990	3 November 1992	12 January 1994	CRC/C/3/Add.25
Niger	30 October 1990	29 October 1992	27 April 1994	CRC/C/3/Add.29
Pakistan	12 December 1990	11 December 1992	25 January 1993	CRC/C/3/Add.13
Paraguay	25 October 1990	24 October 1992	30 August 1993	CRC/C/3/Add.22
Peru	4 October 1990	3 October 1992	28 October 1992	CRC/C/3/Add.7 & CRC/C/3/Add.24
Philippines	20 September 1990	19 September 1992	21 September 1993	CRC/C/3/Add.23
Portugal	21 October 1990	20 October 1992	17 August 1994	CRC/C/3/Add.30
Romania	28 October 1990	27 October 1992	14 April 1993	CRC/C/3/Add.16
Russian Federation	15 September 1990	14 September 1992	16 October 1992	CRC/C/3/Add.5
Saint Kitts and Nevis	2 September 1990	1 September 1992		
Senegal	2 September 1990	1 September 1992	12 September 1994	CRC/C/3/Add.31
Seychelles	7 October 1990	6 October 1992		
Sierra Leone	2 September 1990	1 September 1992		
Sudan	2 September 1990	1 September 1992	29 September 1992	CRC/C/3/Add.3 & CRC/C/3/Add.20
Sweden	2 September 1990	1 September 1992	7 September 1992	CRC/C/3/Add.1
Togo	2 September 1990	1 September 1992		

Initial reports due in 1992 (continued)

State party	Date of entry into force	Date due	Date of submission	Symbol
Uganda	16 September 1990	15 September 1992		
Uruguay	20 December 1990	19 December 1992		
Venezuela	13 October 1990	12 October 1992		
Viet Nam	2 September 1990	1 September 1992	30 September 1992	CRC/C/3/Add.4 & CRC/C/3/Add.21
Zaire	27 October 1990	26 October 1992		
Zimbabwe	11 October 1990	10 October 1992		

Initial reports due in 1993

Angola	4 January 1991	3 January 1991		
Argentina	3 January 1991	2 January 1993	17 March 1993	CRC/C/8/Add.2 & Add.17
Australia	16 January 1991	15 January 1993		
Bahamas	22 March 1991	21 March 1993		
Bulgaria	3 July 1991	2 July 1993		
Colombia	27 February 1991	26 February 1993	14 April 1993	CRC/C/8/Add.3
Côte d'Ivoire	6 March 1991	5 March 1993		
Croatia	7 November 1991	6 November 1993		
Cuba	20 September 1991	19 September 1993		
Cyprus	9 March 1991	8 March 1993		
Denmark	18 August 1991	17 August 1993	14 September 1993	CRC/C/8/Add.8

Initial reports due in 1993 (continued)

State party	Date of entry into force	Date due	Date of submission	Symbol
Djibouti	5 January 1991	4 January 1993		
Dominica	12 April 1991	11 April 1993		
Dominican Republic	11 July 1991	10 July 1993		
Estonia	20 November 1991	19 November 1993		
Ethiopia	13 June 1991	12 June 1993		
Finland	20 July 1991	19 July 1993		
Guyana	13 February 1991	12 February 1993		
Hungary	6 November 1991	5 November 1993		
Israel	2 November 1991	1 November 1993		
Italy	5 October 1991	4 October 1993	11 October 1994	CRC/C/8/Add.18
Jamaica	13 June 1991	12 June 1993	25 January 1994	CRC/C/8/Add.12
Jordan	23 June 1991	22 June 1993	25 May 1993	CRC/C/8/Add.4
Kuwait	20 November 1991	19 November 1993		
Lao People's Democratic Republic	7 June 1991	6 June 1993		
Lebanon	13 June 1991	12 June 1993		
Madagascar	18 April 1991	17 May 1993	20 July 1993	CRC/C/8/Add.5

Initial reports due in 1993 (continued)

State party	Date of entry into force	Date due	Date of submission	Symbol
Malawi	1 February 1991	31 January 1993		
Maldives	13 March 1991	12 March 1993	6 July 1994	CRC/C/8/Add.15
Mauritania	15 June 1991	14 June 1993		
Myanmar	14 August 1991	13 August 1993		
Nigeria	19 May 1991	18 May 1993		
Norway	7 February 1991	6 February 1993	30 August 1993	CRC/C/8/Add.7
Panama	11 January 1991	10 January 1993		
Poland	7 July 1991	6 July 1993	11 January 1994	CRC/C/8/Add.11
Republic of Korea	20 December 1991	19 December 1993		
Rwanda	23 February 1991	22 February 1993	30 September 1992	CRC/C/8/Add.1
San Marino	25 December 1991	24 December 1993		
Sao Tome and Principe	13 June 1991	12 June 1993		
Slovenia	25 June 1991	24 June 1993		
Spain	5 January 1991	4 January 1993	10 August 1993	CRC/C/8/Add.6
Sri Lanka	11 August 1991	10 August 1993	23 March 1994	CRC/C/8/Add.13
The Former Yugoslav Republic of Macedonia	17 September 1991	16 September 1993		
Ukraine	27 September 1991	26 September 1993	8 October 1993	CRC/C/8/Add.10/ Rev.1

Initial reports due in 1993 (continued)

State party	Date of entry into force	Date due	Date of submission	Symbol
United Republic of Tanzania	10 July 1991	9 July 1993	29 April 1994	CRC/C/8/Add.14
Yemen	31 May 1991	30 May 1993		
Yugoslavia	2 February 1991	1 February 1993	21 September 1994	CRC/C/8/Add.16

Initial reports due in 1994

Albania	28 March 1992	27 March 1994		
Austria	5 September 1992	4 September 1994		
Azerbaijan	12 September 1992	11 September 1994		
Bahrain	14 March 1992	14 March 1994		
Belgium	15 January 1992	14 January 1994	12 July 1994	CRC/C/11/Add.4
Bosnia and Herzegovina	6 March 1992	5 March 1994		
Cambodia	14 November 1992	15 November 1994		
Canada	12 January 1992	11 January 1994	17 June 1994	CRC/C/11/Add.3
Cape Verde	4 July 1992	3 July 1994		
Central African Republic	23 May 1992	23 May 1994		
China	1 April 1992	31 March 1994		
Czech Republic	1 January 1993	31 December 1994		

Initial reports due in 1994 (continued)

State party	Date of entry into force	Date due	Date of submission	Symbol
Equatorial Guinea	15 July 1992	14 July 1994		
Germany	5 April 1992	4 May 1994	30 August 1994	CRC/C/11/Add.5
Iceland	27 November 1992	26 November 1994		
Ireland	28 October 1992	27 October 1994		
Latvia	14 May 1992	13 May 1994		
Lesotho	9 April 1992	8 April 1994		
Lithuania	1 March 1992	28 February 1994		
Slovakia	1 January 1993	31 December 1994		
Thailand	26 April 1992	25 April 1994		
Trinidad and Tobago	4 January 1992	3 January 1994		
Tunisia	29 February 1992	28 February 1994	16 May 1994	CRC/C/11/Add.2
United Kingdom of Great Britain and Northern Ireland	15 January 1992	14 January 1994	15 March 1994	CRC/C/11/Add.1
Zambia	5 January 1992	4 January 1994		

Initial reports due in 1995

Algeria	16 May 1993	15 May 1995
Antigua and Barbuda	4 November 1993	3 November 1995
Armenia	23 July 1993	5 August 1995

Initial reports due in 1995 (continued)

State party	Date of entry into force	Date due	Date of submission	Symbol
Cameroon	10 February 1993	9 February 1995		
Comoros	22 July 1993	21 July 1995		
Congo	13 November 1993	12 November 1995		
Fiji	12 September 1993	11 September 1995		
Greece	10 June 1993	9 June 1995		
India	11 January 1993	10 January 1995		
Liberia	4 July 1993	3 July 1995		
Libyan Arab Jamahiriya	15 May 1993	14 May 1995		
Marshall Islands	3 November 1993	2 November 1995		
Micronesia (Federated States of)	4 June 1993	3 June 1995		
Monaco	21 July 1993	20 July 1995		
Morocco	21 July 1993	20 July 1995		
New Zealand	6 May 1993	5 May 1995		
Papua New Guinea	31 March 1993	31 March 1995		
Republic of Moldova	25 February 1993	24 February 1995		
Saint Lucia	16 July 1993	15 July 1995		
Saint Vincent and the Grenadines	25 November 1993	24 November 1995		

Initial reports due in 1995 (continued)

State party	Date of entry into force	Date due	Date of submission	Symbol
Suriname	31 March 1993	31 March 1995		
Syrian Arab Republic	14 August 1993	13 August 1995		
Tajikistan	25 November 1993	24 November 1995		
Turkmenistan	20 October 1993	19 October 1995		
Vanuatu	6 August 1993	5 August 1995		

Initial reports due in 1996

Afghanistan	27 April 1994	26 April 1996		
Gabon	11 March 1994	10 March 1996		
Luxembourg	6 April 1994	5 April 1996		
Japan	22 May 1994	21 May 1996		
Mozambique	26 May 1994	25 May 1996		
Georgia	2 July 1994	1 July 1996		
Iraq	15 July 1994	14 July 1996		
Uzbekistan	29 July 1994	28 July 1996		
Iran (Islamic Republic of)	12 August 1994	11 August 1996		
Nauru	26 August 1994	25 August 1996		
Eritrea	2 September 1994	1 September 1996		
Kazakhstan	11 September 1994	10 September 1996		

Annex IV

1994 - OVERVIEW OF THE IMPORTANT STEPS TAKEN IN THE FIELD OF THE RIGHTS OF THE CHILD

Presentation by the Rapporteur, Ms. Marta Santos Pais

Introduction

As in previous years, the Secretariat has provided us with a comprehensive note containing a summary of actions taken at the General Assembly and the Commission on Human Rights, pertaining to the rights of the child. I would like to thank the Secretariat for the preparation of such a comprehensive note, which shows how intensive and meaningful the activities in this field have been and how decisive the rights of the child have become for the overall action of the United Nations.

In view of this note, I will limit myself to highlighting the most relevant steps taken by the United Nations, including by thematic special rapporteurs and working groups and be the treaty monitoring bodies, which may be of special relevance for the methods of work followed by the Committee or for the consideration of thematic areas in the field of the rights of the child.

Let me first of all stress the unique impact of the Convention worldwide. It is really encouraging to note that already 166 States have considered the implications of the Convention and freely decided to ratify or adhere to it. This means that at the present moment, only around a dozen States have still to sign and ratify this international instrument. And among those, several are in the process of studying or finalizing the process of ratification.

The international community is, therefore, for the first time in the history of the United Nations, close to the universal ratification of a human rights convention. This means that it is prepared to share a common legal framework and to be guided by the same ethical reference to ensure the promotion and protection of the rights of the child. This also shows how children pave the way for a different political attitude and how children's rights may be the opening stage for the universal respect for fundamental rights and freedoms, a reality the Committee was able to confirm in its recent informal regional meeting in Africa, and to which it decisively wants to contribute. I seriously believe this challenging reality will be a meaningful landmark in the commemoration of the fiftieth anniversary of the United Nations in 1995.

I. METHODS OF WORK OF THE COMMITTEE ON THE RIGHTS OF THE CHILD

A. Workload of the Committee

This unprecedented success raises a growing challenge to us all - how to meet the expectations created by the worldwide acceptance of the Convention on the Rights of the Child, how to improve our effectiveness in order to bring adequate and timely solutions to the difficult situations so many children have to face, how to strengthen the dialogue with States and assist them in

the search for the best policies and strategies to promote and protect the rights of the child, how seriously to meet our mandate and be the voice children would expect to speak on their behalf.

For all these reasons, at its fifth session, 1/ the Committee requested the Secretary-General to convene a meeting of the States parties to the Convention, in advance of or during the course of the forty-ninth session of the General Assembly, with a view to reviewing the duration of its meetings and increasing them to three per year. The meeting will take place on 10 October. 2/ It is therefore hoped that, in the light of the concern repeatedly expressed by the Commission on Human Rights, 3/ which has in fact already been recognized at a previous meeting of States parties, the Committee will be in a position to hold three sessions a year as from 1995.

In any case, it is important that the Committee may be also given the adequate staff and support in order to meet its mandate in an effective and expeditious manner, as recalled by the World Conference on Human Rights. Only that way will it be possible to carry out the functions entrusted to it by the Convention itself.

Let us recall that already a year ago, the Committee had requested to be provided with a minimum of two additional Professional and one additional General Services posts. However, in spite of the decisive commitment of the members of the Secretariat, the Committee continues to be clearly understaffed. The situation is no longer simply urgent, it is in fact becoming dramatic.

B. Urgent action procedure

As mentioned at previous sessions of the Committee, different treaty bodies and thematic mechanisms of the Commission on Human Rights have, like ourselves, recognized the essential importance of adopting a special procedure to face urgent events, either by requesting a special urgent report or by sending urgent missions to countries with a view to monitoring particularly serious situations and thereby prevent their deterioration and limit the scale of human rights violations, or even to help prevent the occurrence of intimidation or reprisals or the hampering of access to United Nations procedures. 4/

In the framework, it is interesting to recall the important conclusions of the meeting of the special rapporteurs and working groups of the Commission on Human Rights and the Advisory Services, held last June. During the meeting, the participants stressed the importance of being able to act whenever urgent situations occur and to ensure a follow-up to any mission which might have been undertaken.

In view of their past experience, they have further recognized the relevance of organizing common missions, where the complementary role of their different mandates might contribute to better assess the existing reality and better provide guidance to the State concerned.

But this spirit of complementarity is to be understood in a broader sense. In fact, it is supposed to apply to any other competent body or

mechanism within the United Nations system, including the United Nations offices at the country level, which will be called upon to assist in any mission undertaken and the monitoring treaty bodies.

Thus, cooperation and coordination of human rights activities will be essential to ensure a better understanding of the reality, the wide collection and exchange of information based on the diversity of sources available, as well as the prevention of duplication of efforts - a duplication which will be avoided either in relation to the mechanisms concerned, the Secretariat or to Governments. Only this way will it be possible for the system to react promptly in an effective and serious manner.

C. Submission of reports

The treaty bodies' declaration adopted in Vienna had stated that the submission of reports to international supervisory bodies must be accomplished in a regular and timely way. It further considered that failure to report constitutes a violation of international obligations. This approach has since then been reaffirmed by the different human rights committees of experts.

For example, the Committee on Economic, Social and Cultural Rights recalled that such a reporting obligation was voluntarily undertaken by States parties and binding upon them. For this reason, it was not for the Committee to reduce the reporting obligations thus assumed, especially when this would amount to rewarding a State for the tardy submission of a report.

Moreover, the Committee decided to consider, at its last session, the situation in relation to four States parties which had not submitted an initial report since becoming a party to the Covenant - the four of them before 1980. In such cases, no list of issues would be drawn up and the leading role in the discussion will be taken by a designated country rapporteur in the light of the adopted guidelines for reporting and of all available sources of information.

The Committee on Economic, Social and Cultural Rights also considered the situation arising from the last-minute notification of the inability of the representative of a State party to be present during the examination of its report, and the request for a deferral on extremely short notice. In view of the difficulties arising therefrom, difficulties that our Committee has already experienced, that treaty body decided that, once a State has agreed to the scheduling of its report, the Committee will proceed with the examination of that report at the time scheduled, even in the absence of a representative of the State party.

The Committee further discussed the question of the list of issues based on the reports submitted by States parties. It stressed the importance of ensuring that the questions posed are precise and clearly focused, with a view to identifying the issues that should be accorded priority in the dialogue with the representatives of the State party.

Furthermore, the Committee held an interesting discussion on the content of the concluding observations adopted after the examination of each State party report. It was then stressed that there should be a clear distinction between "factors and difficulties" and "principal areas of concern" and that,

while the first should cover the situations for which a Government could not be held accountable, as was the case of natural disasters, the second should be reserved for those fields where the Government had failed to live up to its responsibilities under the Covenant. 5/

D. Follow-up measures and programmes of technical advice or assistance

The Committee on the Rights of the Child has often stressed, on several occasions, the importance of ensuring a periodic review of the implementation by States parties of its suggestions and recommendations, as well as the follow-up to any programme of technical advice or assistance it might have proposed. This same concern is shared by other treaty bodies, as well as by the thematic and country rapporteurs or working groups of the Commission on Human Rights.

For this reason, the Commission on Human Rights has once again invited the treaty bodies, special rapporteurs and working groups to continue to include in their recommendations proposals for specific projects to be realized under the programme of advisory services. At the same time, the Secretary-General was called upon to follow-up and evaluate such activities.

In this framework, different actions may be envisaged, such as the organization of seminars and training courses, or the drafting of basic legal texts in conformity with international conventions on human rights.

This has been one of the areas to which the Committee has paid particular attention, having shown a clear willingness to cooperate with the Centre for Human Rights, other relevant bodies within the United Nations system or even NGOs. Thus, a special table has been included in the Committee's reports to identify clearly the areas where technical advice or assistance is recommended, in the spirit of article 45 of the Convention.

It is therefore reassuring to see that the same approach is reflected in the Secretary-General's report to the Commission on Human Rights on the question of advisory services in the field of human rights. In particular in relation to the role of NGOs in this particular field, it is stated in this report that:

> "National and international non-governmental human rights organizations are key actors in the advisory services and technical assistance programme. NGOs both cooperate in the delivery of such assistance, and benefit as recipients of it. Thus, in furthering the programme's goal of strengthening civil society, the Centre is increasingly being called upon by Governments and others to provide assistance to national NGOs ... by soliciting their input, inviting them to the seminars and training courses, and supporting appropriate projects by them." 6/

Advisory services are essential to strengthen the promotion and protection of human rights. However, they should never be seen as a substitute for the monitoring of the human rights programme, being rather a sign of how to combine assistance with accountability. As stressed in resolution 1994/69 of the Commission on Human Rights, the provision of advisory services does not in any way reduce a Government's responsibility for

accountability on the human rights situation and, whenever applicable, would not exempt it from scrutiny through the various monitoring procedures established by the United Nations.

E. Reservations

Desiring to contribute to the full implementation of the rights recognized by the Convention on the Rights of the Child, the Committee has systematically raised, in the course of the reporting process, the question of reservations with States parties. Such an approach, which is inspired by article 51 of the Convention, has been repeatedly welcomed in the Commission on Human Rights and has in practice paved the way for an open attitude from States parties to review or even to withdraw reservations previously made.

The issue of reservations is therefore of growing interest to other treaty bodies, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and even individual lawyers who develop studies in this field. Last week, the meeting of Chairpersons has once again also debated this crucial question.

The meaningful development, however, that I would like to stress at this moment, is the fact that the Human Rights Committee has decided to adopt a general comment on the reservations made to the International Covenant on Civil and Political Rights. It is hoped that such a general comment, which will naturally constitute an important reference for our work, will be adopted in the near future.

F. Education on human rights

Last year, the World Conference on Human Rights emphasized the importance of incorporating the subject of human rights in education programmes and policies, and called upon States to include human rights in the curricula of all learning institutions, in formal and non-formal settings.

At its forty-eighth session, the General Assembly requested the Commission on Human Rights to consider proposals for a United Nations decade for human rights education, which should be incorporated by the Secretary-General into a plan of action, to be examined by the next session of the Assembly with a view to the proclamation of such a decade. 7/

For its part, the Commission on Human Rights followed this decision and decided, inter alia:

(a) To urge States to develop programmes and books for the teaching of human rights in primary and secondary education and develop plans of work to contribute to the objectives of the decade for human rights;

(b) To encourage human rights monitoring bodies, including the Committee on the Rights of the Child, to intensify their efforts in relation to the implementation by States parties of their treaty-based obligations regarding education and aspects of education linked to human rights, as well as to request States parties to include in their implementation reports information relating to the context and scope of formal and informal human rights education.

Everything indicates therefore that 1995, which marks the fiftieth anniversary of the United Nations, will be the launching year for this Decade on Human Rights Education.

Moreover, it is relevant to recall that the Committee on Economic, Social and Cultural Rights will hold its next general discussion on human rights education and public information, a discussion in which our Committee has shown interest in participating. 8/

All these steps show the undeniable importance human rights education is gaining and the interest it is raising within the United Nations system. It is therefore hoped that they will contribute to give a decisive emphasis to the recommendation our Committee has often formulated to States parties to include Convention on the Rights of the Child in the school curricula.

G. Public information

This is an area to which the Committee has continuously paid particular attention, thereby reflecting the importance the Convention itself attaches to the wide dissemination and understanding of its principles and provisions.

In its report to the Commission on Human Rights, the Secretary-General has pointed out that the World Public Information Campaign for Human Rights has been following three main objectives:

(a) To stimulate public interest in human rights issues;

(b) To create public awareness of the principles involved in human rights standards;

(c) To foster increased involvement of people around the world in human rights issues.

Confirming the success of the activities developed in this area, the same report reflects the significant increase in the rate at which human rights treaties are being ratified, mentioning as a meaningful example the Convention on the Rights of the Child.

According to the same report, the Centre for Human Rights has conducted a comprehensive revision and evaluation of its programme in order to elaborate a new information strategy. To that end it has established a Working Group on Information, within the Advisory Services and Information Branch.

One of the areas already considered was the establishment of a library within the Centre in 1994, following the requests formulated by the human rights treaty bodies for the establishment of a documentation and information unit, with a view to promoting greater coordination among the various bodies and to avoid duplication or divergent interpretations of comparable norms. There was general agreement, which I am sure we will gladly endorse, that an internal library would greatly facilitate the work of members of the treaty bodies, as well as of the Centre's staff.

The document further reports on the publications which are under revision, such as Fact Sheet No. 10 on the Rights of the Child and the

Manual on Human Rights Reporting, which will hopefully include a chapter on the Convention, as well as those which have been recently issued, like the "Manual for Schools of Social Work and the Social Work Profession" and the "Handbook on International Standards relating to Pre-trial Detention". I am sure these documents will be of essential importance to our work and they might greatly benefit from the experience of the Committee, if it would be given the opportunity of contributing to their content.

Finally, I would like to recall resolution 1994/52 of the Commission on Human Rights, which has urged the Secretary-General to utilize more fully and effectively United Nations information centres for the purpose of timely dissemination of basic information and reference materials on human rights, including the reports of States parties to treaty monitoring bodies. To this end, those centres should be provided with adequate quantities of those materials, in the official languages of the United Nations and the relevant national languages. Let us hope this will soon be a reality!

II. THEMATIC ISSUES OF INTEREST TO THE COMMITTEE

As in previous years, it becomes extremely difficult to select the issues to be considered, in view of the long list of subjects under discussion before other entities of the United Nations relevant to the work of the Committee. On the one hand, the Convention is being affirmed as a natural reference for studies and reports undertaken; on the other, the activities developed very often pertain to children and the enjoyment of their rights. A significant example is the set of Guidelines on Protection and Care of Refugee Children, published by the United Nations High Commissioner for Refugees, fully inspired by the Convention and shaped in the light of its general principles. This book undeniably shows that it is possible, effective and meaningful to use the Convention as a framework for action and to foster international cooperation.

At the special session of the Committee held in April, we already had the opportunity to study some resolutions adopted by the Commission on Human Rights in the areas of children in armed conflicts, sale of children, child prostitution and pornography, as well as the situation of children who to survive are forced to live or work on the streets. The position of the Committee on those three areas, which was widely considered in the two thematic general discussions it has held in the past, is reflected in the report of the session.

Now, it is important to note that the two working groups established by the Commission, to consider the drafting of an optional protocol raising the minimum age of recruitment into armed forces up to 18 years, as well as the one entrusted with the task of elaborating guidelines for a possible draft optional protocol on the sale of children, child prostitution and child pornography, will soon meet in Geneva. 9/

In the meantime, it is interesting to note that such realities were also considered by the Sub-Commission on Prevention of Discrimination and Protection of Minorities, through its Working Group on Contemporary Forms of Slavery. States were particularly urged to introduce and reinforce education programmes alerting children to the risk of sexual exploitation and the

consequences for individuals and for society of such exploitation, as well as to adopt programmes designed to protect minors from exposure to, or involvement in, child pornography.

But the important development I would like to emphasize at this stage is the appointment by the Secretary-General of Mrs. Graça Machel, from Mozambique, to undertake the major study requested by our Committee on the situation of children affected by armed conflicts. Although recently appointed, it is hoped that a preliminary document will be soon submitted by Mrs. Machel during the next session of the General Assembly.

As you will recall, according to the resolution adopted last year by the General Assembly, the Committee on the Rights of the Child is requested to contribute to this study. We will therefore have the opportunity of following up on our previous deliberations in this field, [which took place] both during the relevant thematic general discussion and as a preparation for the World Conference on Human Rights.

A. Administration of juvenile justice

This has undoubtedly been a crucial field of our activities. For that reason, we have often reaffirmed our decisive interest in participating in the meeting of experts on the application of international standards concerning the human rights of detained juveniles. 10/

Following previous decisions of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Commission on Human Rights, the seminar will take place from 31 October to 4 November 1994, in Vienna. It will be hosted by the Austrian Government and organized in cooperation with the Centre for Human Rights, the Crime Prevention and Criminal Justice Branch and UNICEF. It is hoped that the recommendations to be adopted at the end of the meeting will be of great value to the promotion of the situation of children involved with the system of the administration of juvenile justice, as well as to the serious consideration of the United Nations standards in the field.

For its part, the Sub-Commission on Prevention of Discrimination and Protection of Minorities recently adopted a new resolution on the situation of children deprived of their liberty.

Recalling the great vulnerability of such juveniles to various forms of abuse, neglect and injustice and the profound and indelible impact of such traumatic experiences on their developing personalities, and reiterating its deep concern about the situation of children deprived of their liberty, the Sub-Commission invited the Committee on the Rights of the Child to give priority to an in-depth examination of the topic "situation of children deprived of their liberty".

In my opinion, it would seem extremely timely to devote one of our future general discussions to this precise issue. While echoing our continuous concern for this area where the special protection of children is absolutely needed, and benefiting from considerable experience arising from the consideration of an important number of States parties reports, we would

benefit from the outcome of the Vienna meeting which will certainly offer a very special occasion to prepare this event and to reassure us of its success.

B. Violence against children

In the framework of its mandate, the Committee has paid particular attention to the child's right to physical integrity. In the same spirit, it has stressed that corporal punishment of children is incompatible with the Convention and has often proposed the revision of existing legislation, as well as the development of awareness and educational campaigns, to prevent child abuse and the physical punishment of children.

This has been a concern shared by different entities of the United Nation, often linked with the promotion of the status of the girl child and the persistence of traditional practices affecting the girl's health.

In fact, the last General Assembly has adopted an important Declaration on the Elimination of Violence against Women, 11/ which specifically identifies a wide range of realities such as violence within the family, sexual abuse of female children within the household, and female genital mutilation. It emphasizes the importance of preventing such situations, as well as protecting and rehabilitating the victims. Moreover, it requests the United Nations bodies, including the treaty bodies to foster their coordination and address this matter effectively.

For its part, the Commission on Human Rights appointed a Special Rapporteur on violence against women, 12/ recalling that the human rights of women and of the girl child are an inalienable, integral and indivisible part of universal human rights.

The Commission on Crime Prevention and Criminal Justice adopted at its third session, held in April, still another resolution 13/ on this theme. In this text, it has specifically stressed the importance of article 19 of the Convention on the Rights of the Child. Furthermore, it has called upon States to take all possible steps to eliminate violence against children in accordance with the Convention on the Rights of the Child, to disseminate information on this instrument and to promote its understanding, and to withdraw their reservations which may be relevant to the issue of violence against children and that are contrary to the object and purpose of the Convention or otherwise incompatible with international treaty law.

It is hoped that, as requested by the Commission, its cooperation with the Committee on the Rights of the Child will be strengthened in the near future.

The Sub-Commission paid special attention to the question of traditional practices affecting the health of children, as well as to the status of the girl child. In fact, having considered the conclusions of the second United Nations Regional Seminar, held in July, it decided to adopt a Plan of Action on Traditional Practices Affecting the Health of Women and Children. Moreover, the Sub-Commission has decided to consider the human rights of the girl child under every item of its agenda as well as in all studies undertaken by the Sub-Commission.

C. Minorities

The protection of minorities continues to deserve essential attention by the different entities of the United Nations. In fact, both the Human Rights Committee and the Sub-Commission on Prevention of Discrimination and Protection of Minorities have debated at length the question of their rights and the implementation of those rights.

The Human Rights Committee has recently adopted a general comment, interpreting article 27 of the International Covenant on Civil and Political Rights. This is naturally an important reference document that will deserve careful consideration by our Committee. Let me point out, for the moment, some important steps reflected therein:

(a) The rights recognized by the Covenant are available to all individuals within the territory and subject to the jurisdiction of the State except rights which are expressly made to apply to citizens, as in the case of political rights; they are also available to non-permanent residents, such as migrant workers or visitors to a State party constituting a minority;

(b) Although expressed in negative terms, article 27 nevertheless does recognize the existence of a right and requires that it not be denied; consequently, a State party is under the obligation to ensure that the existence and the exercise of this right are protected against their denial or violation, positive measures being also required;

(c) Although the rights protected are individual rights, they depend in turn on the ability of the minority group to maintain its culture, language or religion; accordingly, positive measures by States may be necessary to protect the identity of the minority and the rights of its members;

(d) The protection of these rights is directed to ensuring the survival and continued development of the cultural, religious and social identity of the minorities concerned, thus enriching the fabric of the society as a whole.

For its part, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, following the study of Asbjørn Eide on the prevention of discrimination and protection of minorities, and recalling the significant contributions made by various treaty bodies, including the Committee on the Rights of the Child, recommended the establishment of a working group designed, inter alia, to review the practical application of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, adopted in 1992 by the General Assembly. This new mechanism, if adopted by ECOSOC, will allow for the monitoring of the implementation of the declaration.

D. Economic, social and cultural rights

The field of economic, social and cultural rights is probably the one in which the widest variety of relevant actions has taken place in the past year. Several resolutions were adopted, studies undertaken, thematic discussions held, not to mention the preparatory process for the World Summit for Social Development.

The situation of children living in extreme poverty is gaining a growing interest. For this reason, 1996 will be the International Year for the Eradication of Poverty. In the Commission on Human Rights, our Committee was encouraged to continue to take this reality into consideration with a view to promoting the enjoyment by all children of all rights recognized in the Convention on the Rights of the Child. 14/ The general discussion to be held soon on the role of the family in the promotion of the rights of the child will surely be a special occasion to reaffirm our concern and develop our recommendations towards the consideration of this crucial area.

Connected with this reality, it is worth mentioning the attention paid by the Sub-Commission on the right to adequate housing. Following the study prepared by one of its members, it stressed that one of the areas where the indivisibility and interdependence of human rights and of the rights of children become more apparent is with respect to the existence of widespread poverty leading to inadequate housing and living conditions. In this spirit, the Sub-Commission requested the Committee on the Rights of the Child to give special attention to the issue of the housing rights of children and their families when examining States parties reports, as well as to devote one day of general discussion to the impact of poverty and inadequate living and housing conditions on the economic, social and cultural rights of children.

In the light of this specific request, the Committee might wish to include this important issue in its list of topics for study. Such an action might foster the attention given by all competent bodies to this challenging area, as well as to gather more information on the steps taken in this field. Positive events are, in fact, already taking place, as is the case of the recent decision of the Inter-American Development Bank to assist in non-reimbursable financing of thousands of Latin American children living in extreme poverty and lacking stable homes.

As we had announced at a previous session, the Committee on Economic, Social and Cultural Rights held a thematic discussion on the role of social safety nets as a means of protecting economic, social and cultural rights, with particular reference to situations involving major structural adjustment and/or transition to a free market economy, a key issue in our consideration of States parties reports and in particular the way they implement article 4 of the Convention on the Rights of the Child.

During the discussion, the Committee stressed that structural adjustment and transition policies pertain to any country in the world and are not imposed by external forces - Governments are, in fact, the ones who decide that there is a need to restructure and adapt their economies.

The Committee also recognized that international organizations are focusing too much on their own mandates, which are not defined in terms of human rights. It recalled, however, that the starting point should always be the access to a minimum level of enjoyment of fundamental economic and social rights, and that both the International Monetary Fund and the World Bank should insist on the responsibility of States to respect human rights and empower their people.

Moreover, it stated that if a structural adjustment programme entails privatizing part of the economy or of the social programme, or limiting social expenditure, and as a result leaves more people in poverty and gives fewer people access to health care and education, such a programme is a failure.

It is interesting to note that both IMF and UNDP took part in the discussion. IMF stressed that its purpose was not to promote growth but to halt deterioration, being interested in providing opportunities for all sectors of society. For its part, UNDP considered structural adjustment policies as necessary steps towards economic recovery. It stressed, however, that development had to be measured not only in terms of per capita income, but also in terms of realization of the rights to health care or education enshrined in human rights instruments. For this reason, it proposed a multidisciplinary approach and links between the bodies dealing with economic issues and those dealing with human rights.

In the course of the discussion it was often stated that human rights must take precedence over economic values, even in periods of economic difficulties. Furthermore, it was recognized that the concept of social safety nets was potentially negative, since it assumed that the poorest members of society would bear the brunt of the social costs involved in market-oriented policies.

These considerations bring me to the World Summit for Social Development. This is one of the main events scheduled to take place in 1995, in which the Committee has already expressed the intention of participating. 15/ In fact, it builds upon the World Summit for Children and the World Conference on Human Rights which have had a natural impact on our work. To confirm the importance of this meeting, it would be sufficient to mention the statement made by the Secretary-General of the United Nations to the Preparatory Committee held last January in New York. According to Mr. Boutros Boutros-Ghali, "the level of social development in a society can be measured by the status of women and children in that society".

Some human rights bodies have voiced some unhappiness with the insufficient emphasis given, in the different preparatory sessions, to human rights, and in particular to economic, social and cultural rights. In fact, the Sub-Commission has recently suggested that the Committee on Economic, Social and Cultural Rights act as the monitoring body for the plan of action to be adopted by the Summit, a proposal the Committee itself had previously formulated.

Without taking a stand on this particular proposal, it is none the less important that the Summit interacts with the existing human rights bodies within the United Nations system, and naturally takes into consideration the work developed by them. And, in reality, the draft declaration and programme of action to be adopted by the Summit, recently prepared in New York, stress that the Summit provides an occasion, in the year of the fiftieth anniversary of the United Nations, to provide a new expression of the determination of the peoples of the United Nations to promote social progress and better standards of life in larger freedom.

These two documents deserve very careful study by our Committee. In any case, it is important to stress the emphasis put on solidarity, responsibility and freedom as essential values of our societies.

In the light of such values, it is recognized that it is unacceptable that those who are least able to adjust to change, bear the greatest burden of the economic and social transformation of the world. "To reduce social inequalities and to achieve sustainable development is a measure of our solidarity as individuals, members of society and of the international community".

Similarly, it is stated that addressing disparities among countries and forging genuine international economic cooperation and solidarity call for multilateral commitment to improve and make more equitable the functioning of the international economy.

I am sure such principles, which in fact echo the spirit of the Convention on the Rights of the Child, will have clear value for the monitoring activities of the Committee.

The present overview which is long even if it only highlights some of the essential developments that occurred during the year, would always be incomplete. But this is exactly a sign of the impact of the rights of the child on the society of today. The challenge we face, therefore, is to be able to use all this energy, enthusiasm and political will decisively to improve the situation of children and promote the level of the enjoyment of their rights.

Notes

1/ CRC/C/24, recommendation 1.

2/ See CRC/SP/10.

3/ See resolution 1994/91.

4/ See Commission resolution 1994/70.

5/ See E/C.12/1994/SR.6.

6/ E/CN.4/1994/78, para. 165.

7/ See General Assembly resolution 48/127.

8/ See CRC/C/24, recommendation 3.4.

9/ The Working Group on armed conflicts will meet from 31 October to 11 November, the Working Group on sale of children from 14 to 25 November.

10/ See, inter alia, recommendation 3.3 adopted at the fifth session of the Committee (CRC/C/24).

11/ See resolution 48/104.

12/ See resolution 1994/45.

13/ See resolution 3/1.

14/ See also the study by Leandro Despouy, Special Rapporteur of the Sub-Commission (E/CN.4/Sub.2/1994/19).

15/ See resolution 3.3 adopted at its fifth session (CRC/C/24).

Annex V

OVERVIEW ON THE REPORTING PROCEDURES

Committee on the Rights of the Child

The following overview of the reporting procedures were adopted by the Committee on the Rights of the Child at its seventh session in October 1994.

Introduction

1. The Committee on the Rights of the Child met for the first time in 1991, soon after its 10 members had been elected by the meeting of States parties. From the very beginning the Committee started devising appropriate working methods aimed at an effective and constructive contribution to the implementation of the United Nations Convention on the Rights of the Child. The methods, largely based on the same original approach, have been developed and refined.

2. The following overview is designed to make the current procedures more transparent and readily accessible to States parties and others interested in the implementation of the Convention, including United Nations agencies and other competent bodies such as non-governmental organizations.

A. General guidelines for reporting

3. The Committee has aimed at structuring the reporting process and the dialogue with the State party in such a way that issues of principal concern are dealt with in a methodical and informative manner. For this purpose the Committee has prepared guidelines regarding the form and content of initial reports to be submitted by States parties under article 44, paragraph 1 (a), of the Convention. These guidelines, contained in document CRC/C/5, are public and have been disseminated to all States parties concerned. The Committee strongly recommends all States parties to report to it in accordance with the guidelines and in a thorough and timely manner.

4. The guidelines request that the reports contain relevant legislative, judicial, administrative and other information, including statistical data, to give the Committee a good basis for its analysis. States parties are requested to give information about "factors and difficulties encountered" and "progress achieved". "Implementation priorities" and "specific goals" for the future are also requested.

5. To facilitate a more structured discussion the guidelines group the articles according to content and in a logical order:

(a) General measures of implementation (arts. 4, 42 and 44.6);

(b) Definition of the child (art. 1);

(c) General principles (arts. 2, 3, 6 and 12);

(d) Civil rights and freedoms (arts. 7, 8, 13-17 and 37 (a));

(e) Family environment and alternative care (arts. 5, 18.1, 18.2, 9, 10, 27.4, 20, 21, 11, 19, 39 and 25);

(f) Basic health and welfare (arts. 6.2, 23, 24, 26, 18.3, 27.1, 27.2 and 27.3);

(g) Education, leisure and cultural activities (arts. 28, 29 and 31);

(h) Special protection measures;

(i) Children in situations of emergency (arts. 22, 38 and 39);

(ii) Children in conflict with the law (arts. 40, 37 and 39);

(iii) Children in situations of exploitation, including physical and psychological recovery and social reintegration (arts. 32, 33, 34, 35, 36 and 39);

(iv) Children belonging to a minority or an indigenous group (art. 30).

This list also forms the agenda for the discussions with States parties.

6. The guidelines relate to the initial reports which should be submitted within two years after the Convention has entered into force for the State party concerned. Another set of guidelines will be issued for the submission of the forthcoming periodic reports every five years, the first of which are due in September 1997.

B. Examination of States parties' reports

Work of the pre-sessional working group

7. Discussions of a State party report with government representatives are prepared by a working group. The working group normally meets immediately after one session of the Committee to prepare for the next one. All Committee members are invited to the pre-sessional meeting. These meetings are not open to the public and there are no formal records. Any decisions taken by the working group are reported to the Committee at its next plenary session.

8. The principal purpose of the working group is to identify in advance the most important issues to be discussed with the representatives of the States. The intent is to give advance notice to the States parties of the principal issues which might arise in the examination of their reports. The Convention on the Rights of the Child is wide-ranging, comprehensive and complex; the possibility for government representatives to prepare in advance their answers to some of the principal questions is likely to make the discussion more constructive.

9. The secretariat prepares country files for the pre-sessional working group, containing information relevant to each of the reports to be examined. For this purpose the Committee invites relevant United Nations bodies and specialized agencies, non-governmental organizations and other competent

bodies to submit appropriate documentation to the secretariat. Some of the information is included in the country analysis documents, other information is placed in files which are available to Committee members during the sessions.

10. A special emphasis is placed on receiving relevant documentation from bodies and agencies within the United Nations system, such as UNICEF, ILO, WHO, UNHCR, UNESCO, UNDP and the World Bank, as well as from other human rights treaty bodies and mechanisms, and from non-governmental organizations, both domestic and international. Such contributions are also of importance in regard to discussions about technical advice and assistance in the light of article 45 (b) of the Convention.

11. Representatives of the United Nations bodies and agencies take part in the meetings of the working group and give expert advice. The working group may also invite representatives of other competent bodies, including non-governmental organizations, to provide information.

12. The working group draws up a List of Issues which is sent to the respective Government through diplomatic channels. In order to facilitate the efficiency of the dialogue, the Committee requests the State party to provide the answers to its List of Issues in writing and in advance of the session, in time for them to be translated into the working languages of the Committee.

13. An invitation to a forthcoming session of the Committee is also sent to the State party, indicating the date, time and venue for the planned discussion.

Presentation of the report

14. The State party report will be discussed in open and public meetings of the Committee, during which both the State representatives and Committee members take the floor. Relevant United Nations bodies and agencies are represented. Summary records of the meetings are issued and the United Nations Department of Public Information is invited to cover the proceedings for the purpose of their Press Releases. Other journalists are free to attend, as are representatives of non-governmental organizations and any interested individual.

15. With the factual situation largely clarified in writing, there should be room in the discussions to analyse "progress achieved" and "factors and difficulties encountered" in the implementation of the Convention. As the purpose of the whole process is constructive, sufficient time should be given to discussions about "implementation priorities" and "future goals". For these reasons the Committee welcomes the representation of the State party to be a delegation with concrete involvement in strategic decisions relating to the rights of the child. When delegations are headed by someone with governmental responsibility, the discussions are likely to be more fruitful and have more impact on policy-making and implementation activities.

16. After a brief introduction of the report, the State delegation is asked to provide information on subjects covered by the List of Issues, starting with the first section of the guidelines, i.e. general measures of implementation. Then the dialogue starts. Committee members may want to ask

further questions or make comments on the written or oral answers, and the delegation may respond. The discussion moves step by step through the next groups of issues according to the guidelines.

17. States parties which have made reservations to the Convention may be asked about the implications of that position in the light of article 51, paragraph 2, of the Convention, which stipulates that reservations incompatible with the object and purpose of the Convention shall not be permitted. Another point of reference is the recommendation by the 1993 World Conference on Human Rights that reservations should be formulated as precisely and narrowly as possible and that States should regularly review any reservations with a view to withdrawing them.

18. Towards the end of the discussion, Committee members summarize their observations on the report and the discussion itself and may also make suggestions and recommendations. Lastly, the State delegation is invited to make a final statement. Afterwards, the Committee will, in a closed meeting, agree on written Concluding Observations which include suggestions and recommendations. If it is deemed that the information submitted is insufficient or that there is a need to clarify a number of issues further, and it is agreed that the discussion about the report should continue at a later session, the observations will be preliminary and the State party will be informed accordingly.

19. The Concluding Observations usually contain the following aspects: introduction; positive aspects (including progress achieved); factors and difficulties impeding the implementation; principal subjects for concern; suggestions and recommendations addressed to the State party. The Preliminary Observations usually have a similar structure, but it is made clear that they are not final.

20. The Committee may in its observations request additional information from the State party, in accordance with article 44 of the Convention, in order to be able to better assess the situation in the State party. A deadline for submission of such written information will be determined.

21. The Concluding Observations are made public on the last day of a Committee session during the adoption of the report, of which they form a part. Once adopted, they are made available to the States parties concerned, and also issued as official documents of the Committee. In accordance with article 44, paragraph 5, of the Convention, the Committee's reports are submitted to the United Nations General Assembly, through the Economic and Social Council, for its consideration, every two years.

22. In the spirit of article 44, paragraph 6, it is important that the Concluding Observations are made widely available in the State party concerned. If it so wishes, the State party may address any of the observations in the context of any additional information that it provides to the Committee.

C. Procedures for follow-up action

23. It is assumed that concerns expressed by the Committee in its Concluding Observations will be addressed in a detailed manner by the State party in its next report. The Committee may mention in its observations some specific issues on which it is particularly interested to receive detailed information.

24. In cases where the Committee has asked for additional information in accordance with article 44, paragraph 4, such information will be on the agenda at a future session.

25. When the discussion of a State party report ends with Preliminary Observations by the Committee, the dialogue will continue at a future session. The Preliminary Observations outline the issues to be discussed at the next stage and specify what further information the Committee requests, in advance and in writing.

26. The Committee may, in accordance with article 45 (b), transmit to relevant agencies and bodies, including the Centre for Human Rights, any reports from States parties containing a request or indicating a need for technical advice or assistance, along with the Committee's observations and suggestions. This refers to needs both in relation to the reporting process and to implementation programmes.

27. States can request support from the Programme of Advisory Services and Technical Assistance of the Centre for Human Rights. Such requests could concern reviews required for ratification or accession and preparation of the report, as well as training seminars and other activities to make the principles and provisions of the Convention known and incorporated into national legislation and action plans.

28. The Concluding Observations of the Committee are disseminated to all relevant United Nations bodies and agencies, as well as other competent bodies, and might serve as a basis for discussions on international cooperation. The Committee may also, in its observations, make particular reference to the need for and possibilities of such cooperation.

D. Procedure in relation to overdue reports

29. The Convention makes reporting in time an obligation in itself. The Committee emphasizes the importance of timely reports.

30. Records are kept on the submission of reports specifying which ones are overdue. The Committee issues regular reminders to States.

31. With such communications, information is also given about the possibility for States to request technical assistance and advisory services from the United Nations Centre for Human Rights.

32. In a case of persistent non-reporting by a State party, the Committee may decide to consider the situation in the country in the absence of a report, but on the basis of all available information. The State party will be notified about such a decision in advance of the event.

Annex VI

GENERAL DISCUSSION ON THE ROLE OF THE FAMILY IN THE PROMOTION OF THE RIGHTS OF THE CHILD, 10 OCTOBER 1994: LIST OF DOCUMENTS CONTRIBUTED*

1. By United Nations bodies and organizations

UNESCO

The Role of the Family in the Promotion of the Rights of the Child: An Educational Viewpoint

United Nations Division for the Advancement of Women

Role of the Family in the Promotion of the Rights of the Child

UNICEF

Progress report on Preparatory Activities to the International Year of the Family, Inter-Agency Meeting, 10-12 March 1993

Discussion paper on policy implications and support for families resulting from the World Summit for Children, its World Declaration and the Plan of Action for its implementation as well as the Convention on the Rights of the Child, UNICEF, 1993

United Nations Centre for Human Settlements (Habitat)

Human settlements and children

World Health Organization

The family cycle, family health and the Convention on the Rights of the Child

2. By intergovernmental organizations

Hague Conference on Private International Law

Adair Dyer, "Protecting the Integrity of a Child's Family Ties"

3. By non-governmental organizations

Evolution and importance of the family

The International School Psychology Association

"Secure Parent-Infant Attachment: a Foundation for Promoting the Rights of the Child in the Context of Family."

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* Titles as received by the Secretariat.

International Catholic Child Bureau (ICCB)

Is there a conflict between the rights of the child and the rights of the family?

Associated Country Women of the World

Cultural patterns and the way families can uphold moral and ethical values

International Federation Terre des Hommes

Projects to strengthen family links and help children living on the streets to reintegrate their family

Civil rights and freedoms within the family

Anti-Slavery International

Exploitation within the family (domestic services, chronic bondage, slavery)

Video on early marriage in Ethiopia and child brides in Nepal

Epoch Worldwide

The child's right to physical and personal integrity within the family

Children's civil rights in the family

Penelope Leach, Commissioner, Commission on Social Justice (UK)

Physical punishment of children

Minor's Rights (Australia)

Review of research studies on the consequences of laws allowing the corporal discipline of children in cultures derived from England

NAPCAN (National Association for Prevention of Child Abuse and Neglect) (Australia)

Protection of children against all forms of physical violence

National Children's and Youth Law Centre (Australia)

Entitlement of children to the protection of their bodily integrity

The Canadian Society for the Prevention of Cruelty to Children

Brief to the Minister of Justice and Attorney-General re. The Corporal Punishment of Children

Institute for the Prevention of Child Abuse (Canada)

Brief to the Minister of Justice and Attorney-General re. The Corporal Punishment of Children

Hutt Family Violence Network (New Zealand)

Physical violence by adults against children

4. Background papers and documentation (on file with the Secretariat)

Office of the Commissioner for Children (New Zealand)

Ian Hassall, The Child's Right to a Place, but Whose Place? Wellington, May 1994

Bureau international catholique de l'enfance BICE/International Catholic Child Bureau ICCB

L'enfance dans le monde/Children Worldwide, "Famille et résilience de l'enfant"/"The family and child resilience", vol. 21, No. 1/94

Jordi Cots, Famille - droits et responsabilités. Analyse des principaux textes internationaux. BICE, Lausanne, 1994

Centre de recherche pour l'étude et l'observation des conditions de vie

Les 9-14 ans: de l'encadrement vers l'autonomie. Etude commandée et financée par le BICE

BICE-Afrique

Aperçu sur la famille africaine. Abidjan, 1994

Vienna NGO Committee on the Family

Second Preparatory Committee of the World Summit for Social Development: statement of international NGOs on Family and Social Development

Mannerheim League for Social Welfare

Discipline is needed, but not disciplinary measures

Head and heart in parent education

Why are new methods needed in the prevention and treatment of child abuse and similar family problems

An experimental programme on social skills for the comprehensive school

Helping young people to become adults with the help of adults - a challenge for the International Year of the Family 1994

Education is needed, but what kind?

Parent school - the right of every parent

Some turning points of family education and its preventive aspects

A birth in the family encourages the father to take part in family life and child-raising (report of a study)

Département fédéral de l'intérieur (Suisse)

Groupe de travail Enfance maltraitée, Enfance maltraitée en Suisse, Berne, juin 1992

Epoch-USA

Philip Craven, Spare the Child: The Religious Roots of Punishment and the Psychological Impact of Physical Abuse. Vintage Books, New York, 1992

Hague Conference on private international law/Conférence de La Haye de droit international privé

Convention on the Civil Aspects of International Child Abduction/Convention sur les aspects civils de l'enlèvement international d'enfants.
The Hague/La Haye, 1982

Status of the Convention as of 2 September 1994

Seventeenth Session, Final Act, (extract), The Hague, 29 May 1993

Fundación de Protección a la Infancia Dañada por los Estados de Emergencia (PIDEE) (Protection of Children Injured by States of Emergency Foundation)

Report of the Documentation Centre on Infancy in Latin America (Centro de Documentación sobre la Realidad de la Infancia en América Latina (CEDIAL)). Santiago de Chile, June 1994

Loreta Alamos et al., Infancia y Represión. Historias Para No Olividar. Fundación PIDEE, Santiago de Chile, 1992

M. Estela Ortiz R. y Chetty Espinoza M., Casa Hogar. Familia en Emergencia. Fundación PIDEE, Santiago de Chile, diciembre 1990

Infancia: Desparición y Muerte. Informe de la Comisión Nacional de Verdad y Reconciliación. Fundación PIDEE, Santiago de Chile, 1991

Curso de entrenamiento para profesionales de América Latina sobre el tema de maltrato infantil. Fundación PIDEE, Santiago de Chile, julio 1994

Derecho a la Infancia. Revista sobre la infancia en América Latina. Santiago de Chile, 4° Bimestre, 1993.

RAPCAN (Resources Aimed at the Prevention of Child Abuse and Neglect) (South Africa)

Ending parental physical punishment of children

National Children's Bureau (UK)

Children's civil rights and freedoms within the family

Mannerheim League for Child Welfare (Finland)

Protection of children from all forms of physical or mental violence

End Violence Against the Next Generation, Inc. (USA)

Lesli Taylor and Adah Maurer, "Think Twice: The Medical Effects of Physical Punishment". Generation Books, Berkeley, CA, 1993

European Forum for Child Welfare/Forum européen pour la protection de l'enfance (Belgium)

Protection of children from all forms of physical and mental violence

Rädda Barnen (Sweden)

Swedish anti-spanking law

Annex VII

LIST OF DOCUMENTS ISSUED FOR THE SEVENTH SESSION OF THE COMMITTEE

CRC/C/2/Rev.3	Reservations, declarations and objections relating to the Convention on the Rights of the Child
CRC/C/3/Add.22	Initial report of Paraguay
CRC/C/3/Add.24	Initial report of Peru
CRC/C/3/Add.28	Initial report of Indonesia
CRC/C/8/Add.5	Initial report of Madagascar
CRC/C/8/Add.6	Initial report of Spain
CRC/C/15/Add.24	Concluding observations Honduras
CRC/C/15/Add.25	Concluding observations Indonesia
CRC/C/15/Add.26	Concluding observations Madagascar
CRC/C/15/Add.27	Preliminary observations Paraguay
CRC/C/15/Add.28	Concluding observations Spain
CRC/C/19/Rev.2	Compilation of the conclusions and recommendations adopted by the Committee
CRC/C/30	Note by the Secretary-General on areas identified by the Committee for technical assistance
CRC/C/31	Provisional agenda and annotations
CRC/C/32	Note by the Secretary-General on the States parties to the Convention and the status of submission of reports
CRC/C/33	Overview of the reporting procedures
CRC/C/SR.157-183	Summary records of the seventh session

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